

707(b), MEANSNO, APPEAL

**U.S. Bankruptcy Court
Middle District of North Carolina (Durham)
Bankruptcy Petition #: 08-80034**

Assigned to: Bankruptcy Judge William L. Stocks
Chapter 7
Voluntary
Asset

Date Filed: 01/15/2008
Date Discharged: 06/04/2008

Debtor

Michael B. Nifong
615 November Drive
Durham, NC 27712
SSN: xxx-xx-3300

represented by **James B. Craven, III**





P. O. Box 1366
Durham, NC 27702
(919) 688-8295
Email:
jbc64@mindspring.com

Bankruptcy Administrator

Michael D West
Bankruptcy Administrator
P.O. Box 1828
Greensboro, NC 27402









Trustee

Sara A. Conti
P.O. Box 939
Carrboro, NC 27510
(919) 967-3375

Filing Date	#	Docket Text
06/18/2008	 53	Appellee Designation of Contents for Inclusion in Record of Appeal Filed by Creditors David F. Evans, Collin Finnerty, Reade Seligmann (RE: related document(s) 44 Notice of Appeal). (Davant, Charles) (Entered: 06/18/2008)
06/17/2008	 52	Clerk's Certificate of Undeliverable/Returned Mail (Bryant, P.) (Entered: 06/17/2008)
06/17/2008		Corrective Entry [Incorrect event code used. Atty to re-file] (RE: related document(s) 50 Document filed by Debtor Michael B. Nifong) (Shumate, A.) (Entered: 06/17/2008)
06/17/2008	 51	Appellant Designation of Contents For Inclusion in Record On

		Appeal Filed by Debtor Michael B. Nifong (RE: related document(s) 44 Notice of Appeal). Appellee designation due by 6/27/2008. (Craven, James) (Entered: 06/17/2008)
06/16/2008	50	Document <i>Designation of Record and Issues on Appeal</i> Filed by Debtor Michael B. Nifong. (Craven, James) Modified on 6/17/2008 (Shumate, A.).**[Please disregard. Incorrect event code used. Atty to re-file.] (Entered: 06/16/2008)
06/08/2008	49	BNC Certificate of Mailing - Hearing. (RE: related document(s) 47 Hearing (Bk Motion) Set) Service Date 06/08/2008. (Admin.) (Entered: 06/09/2008)
06/06/2008	48	BNC Certificate of Mailing - Order of Discharge. (RE: related document(s) 43 Order Discharging Debtor) Service Date 06/06/2008. (Admin.) (Entered: 06/07/2008)
06/06/2008	47	Hearing Set per request of the court (RE: related document(s) 31 Motion to Approve Settlement filed by Trustee Sara A. Conti) Hearing scheduled 6/26/2008 at 09:30 AM at Courtroom, Durham. (Shoffner, T.) (Entered: 06/06/2008)
06/06/2008	46	Certificate of Service. Filed by Clerks Office. (RE: related document (s) 44 Notice of Appeal). (Shoffner, T.) (Entered: 06/06/2008)
06/05/2008	45	Proposed Order Filed by Trustee Sara A. Conti (RE: related document(s) 31 Motion to Approve Settlement Agreement.). (Conti, Sara) (Entered: 06/05/2008)
06/05/2008		Receipt of filing fee for Notice of Appeal(08-80034) [appeal,ntcapl] (255.00). Receipt number 1775305, amount \$ 255.00. (U.S. Treasury) (Entered: 06/05/2008)
06/05/2008	44	Notice of Appeal . Fee Amount \$255 Filed by Debtor Michael B. Nifong (RE: related document(s) 38 Memorandum/Opinion, 39 Order (Generic), Order (Generic)). Appellant Designation due by 6/15/2008. (Craven, James) (Entered: 06/05/2008)
06/04/2008	43	Order Discharging Debtor (Robert, B.) (Entered: 06/04/2008)
05/29/2008	42	BNC Certificate of Mailing - PDF Document. (RE: related document (s) 39 Order (Generic), Order (Generic)) Service Date 05/29/2008. (Admin.) (Entered: 05/30/2008)
05/29/2008	41	BNC Certificate of Mailing - PDF Document. (RE: related document (s) 38 Memorandum/Opinion) Service Date 05/29/2008. (Admin.) (Entered: 05/30/2008)






05/28/2008	40	Transcript of Motion for Relief From Stay filed by David Evans, Collin Finnerty and Reade Seligmann from 4/24/08. (Attachments: # 1 condensed version) (Bryant, P.) (Entered: 05/28/2008)
05/27/2008	39	Order Re: (RE: related document(s) 38 Memorandum/Opinion, Granting 22 Motion for Relief From Stay as to the civil action pending in District Court under certain terms and conditions, in addition, Motion To Stay Adversary Case regarding dischargeability No. 08-09015 pending further orders of this court filed by Creditor David F. Evans, Creditor Collin Finnerty, Creditor Reade Seligmann). (Davis, S.) (Entered: 05/27/2008)
05/27/2008	38	Memorandum/Opinion. (Davis, S.) (Entered: 05/27/2008)
05/13/2008	37	Brief/Memorandum <i>IN FURTHER OPPOSITION FOR RELIEF FROM THE STAY (MAY 9)</i> Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 05/13/2008)
05/13/2008	36	Brief/Memorandum <i>IN FURTHER OPPOSITION FOR RELIEF FROM THE STAY</i> Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 05/13/2008)
05/10/2008	35	BNC Certificate of Mailing - Tentative Hearing (RE: related document(s) 32 Notice of Tentative Hearing,) Service Date 05/10/2008. (Admin.) (Entered: 05/11/2008)
05/09/2008	34	Brief/Memorandum <i>IN OPPOSITION TO MOTION FOR RELIEF FROM STAY</i> Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 05/09/2008)
05/09/2008	33	Supplemental Brief/Memorandum <i>in Support of Motion for Relief from Stay</i> Filed by Creditors David F. Evans, Collin Finnerty, Reade Seligmann (RE: related document(s) 22 Motion for Relief from Stay regarding <i>District Court action</i> . Fee Amount \$150, Motion To Stay Adversary Case No. 08-09015 <i>pending District Court action</i> . Motion To Stay Adversary Case No. 08-09015 <i>pending District Court action</i> .). (Davant, Charles) (Entered: 05/09/2008)
05/08/2008	32	Notice Of Tentative Hearing . (RE: related document(s) 31 Motion to Approve Settlement. The Debtor Michael B Nifong will pay \$3589.00 to retain the Guitars a Paul Reid Smith guitar, a Fender Deluxe guitar, and a Martin Guitar. Filed by Trustee Sara A. Conti. Objections are due 5/25/2008. Tentative Hearing scheduled on 6/12/2008 at 09:30 AM Courtroom, Durham for 31 , (Lawson, G.) (Entered: 05/08/2008)
05/07/2008	31	Motion to Approve Settlement Agreement. Filed by Trustee Sara A.

		Conti (Conti, Sara) (Entered: 05/07/2008)
04/30/2008		Corrective Entry [Motion filed in Bankruptcy case in error. Motion be to re-filed in related adversary case] (RE: related document(s) 30 Motion to Extend Time, filed by Debtor Michael B. Nifong) (Shumate, A.) (Entered: 04/30/2008)
04/29/2008	 30	Motion to Extend Time to for him to file his answer or other responsive pleading Filed by Michael B. Nifong (Craven, James) Modified on 4/30/2008 (Shumate, A.).**[Please disregard. Motion filed in Bankruptcy case in error. Motion be to re-filed in related adversary case.] (Entered: 04/29/2008)
04/28/2008	 29	Proposed Order Filed by Debtor Michael B. Nifong (RE: related document(s) Court Minutes,). (Craven, James) Modified on 4/30/2008 (Shumate, A.).**[Please disregard. Proposed Order to be re-filed in related Adversary case.] (Entered: 04/28/2008)
04/24/2008		Court Minutes - Date of Hearing: 4/22/08 (related document(s): 22 Motion for Relief From Stay Taken Under Advisement, gave parties until 5/9/08 to file any additional briefs) O - Court; Appearances : James B. Craven, Debtor Present, Charles Davant for Collin Finnerty & David Evans, David Rudolph for Reade Seligmann (jdj) (Entered: 04/25/2008)
04/22/2008	 28	Brief/Memorandum Filed by Debtor Michael B. Nifong (RE: related document(s) 22 Motion for Relief from Stay regarding <i>District Court action</i> . Fee Amount \$150, Motion To Stay Adversary Case No. 08-09015 <i>pending District Court action</i> . Motion To Stay Adversary Case No. 08-09015 <i>pending District Court action</i> .). (Craven, James) (Entered: 04/22/2008)
04/17/2008	 27	Clerk's Certificate of Undeliverable/Returned Mail (Bryant, P.) (Entered: 04/17/2008)
04/11/2008	 26	BNC Certificate of Mailing - Hearing. (RE: related document(s) 25 Hearing (Bk Motion) Set, Hearing (Bk Motion) Set) Service Date 04/11/2008. (Admin.) (Entered: 04/12/2008)
04/10/2008		Corrective Entry [Order will not be used. Related Motion has been set for hearing.] (RE: related document(s) 23 Proposed Order, , filed by Creditor David F. Evans, Creditor Collin Finnerty, Creditor Reade Seligmann) (Shumate, A.) (Entered: 04/10/2008)
04/09/2008	 25	Hearing Set (RE: related document(s) 22 Motion for Relief From Stay

		regarding District Court action, in addition Motion To Stay Adversary Case No. 08-09015 pending District Court action. Filed by Creditor David F. Evans, Creditor Collin Finnerty, Creditor Reade Seligmann) Hearing scheduled 4/24/2008 at 09:30 AM at Courtroom, Durham. (Shoffner, T.) (Entered: 04/09/2008)
04/09/2008	24	Chapter 7 Trustee's Interim Report. (Conti, Sara) (Entered: 04/09/2008)
04/08/2008	23	Proposed Order Filed by Creditors David F. Evans, Collin Finnerty, Reade Seligmann (RE: related document(s) 22 Motion for Relief from Stay regarding <i>District Court action</i> . Fee Amount \$150, Motion To Stay Adversary Case No. 08-09015 <i>pending District Court action</i> . Motion To Stay Adversary Case No. 08-09015 <i>pending District Court action</i> .). (Davant, Charles) Modified on 4/10/2008 (Shumate, A.).** [Please disregard. Order will not be used. Related Motion has been set for hearing.] (Entered: 04/08/2008)
04/08/2008		Receipt of filing fee for Motion for Relief From Stay(08-80034) [motion,mrlfsty] (150.00). Receipt number 1710563, amount \$ 150.00. (U.S. Treasury) (Entered: 04/08/2008)
04/08/2008	22	Motion for Relief from Stay regarding <i>District Court action</i> . Fee Amount \$150., in addition to Motion To Stay Adversary Case No. 08-09015 <i>pending District Court action</i> . Filed by Creditors Reade Seligmann, Collin Finnerty, David F. Evans (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5) (Davant, Charles) (Entered: 04/08/2008)
04/08/2008	21	Adversary case 08-09015. 68 (Dischargeability - 523(a)(6), willful and malicious injury) : Complaint by David F. Evans, Collin Finnerty, Reade Seligmann against Michael B. Nifong Fee Amount \$250. (Davant, Charles) (Entered: 04/08/2008)
03/29/2008	20	BNC Certificate of Mailing - Notice To File Claims (RE: related document(s) 19 Notice To File Claims) Service Date 03/29/2008. (Admin.) (Entered: 03/30/2008)
03/27/2008	19	Notice To File Claims Proofs of Claims due by 6/27/2008. Government Proof of Claim due by 9/23/2008. (Shoffner, T.) (Entered: 03/27/2008)
03/26/2008	18	Trustee's Inventory Report Filed by Trustee Sara A. Conti. (Conti, Sara) (Entered: 03/26/2008)
03/26/2008	17	Trustee's Notice of Assets & Request for Notice to Creditors Filed by Trustee Sara A. Conti. (Conti, Sara) (Entered: 03/26/2008)

03/24/2008	16	Clerk's Certificate of Undeliverable/Returned Mail (Bryant, P.) (Entered: 03/24/2008)
03/13/2008	15	BNC Certificate of Mailing - PDF Document. (RE: related document (s) 13 BA's Statement Re: No Motion to Dismiss/Convert, , , , filed by Bankruptcy Administrator Michael D West) Service Date 03/13/2008. (Admin.) (Entered: 03/14/2008)
03/13/2008	14	Clerk's Certificate of Undeliverable/Returned Mail (Shoffner, T.) (Entered: 03/13/2008)
03/11/2008	13	<p>Bankruptcy Administrator's Statement that no Motion to Dismiss or Convert will be filed pursuant to Title 11 U.S.C. section 707(b)(2). Filed by Bankruptcy Administrator Michael D West (RE: related document(s)9 As required by 11 U.S.C. Sec. 704(b)(1)(A), the Bankruptcy Administrator has reviewed all of the materials filed by the debtor(s). Having considered these materials in reference to the criteria set forth in 11 U.S.C. Sec. 707(b)(2)(A), and, pursuant to 11 U.S.C. Sec. 704(b)(2), the Bankruptcy Administrator determines that:</p> <p>(1) the debtor's(s)' case should be presumed to be an abuse under section 707(b); and</p> <p>(2) the product of the debtor's current monthly income, multiplied by 12, is not less than the requirements specified in section 704(b)(2)(A) or (B).</p> <p>As required by 11 U.S.C. Sec. 704(b)(2) the Bankruptcy Administrator shall, not later than 30 days after the date of this Statement's filing, either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the Bankruptcy Administrator does not consider such a motion to be appropriate.</p> <p>Debtor(s) may rebut the presumption of abuse only if special circumstances can be demonstrated as set forth in 11 U.S.C. Sec. 707 (b)(2)(B).</p> <p>. (West, Michael). (West, Michael) (Entered: 03/11/2008)</p>
03/07/2008	12	Presumption Reviewed (RE: related document(s) 12 Reaffirmation Agreement filed by Debtor Michael B. Nifong) (Shoffner, T.) (Entered: 03/07/2008)
03/04/2008	12	Reaffirmation Agreement Between Debtor and State Employees Credit Union Filed by Debtor Michael B. Nifong. (Attachments: # 1 Document) (Craven, James) (Entered: 03/04/2008)
02/16/2008	11	BNC Certificate of Mailing. (RE: related document(s) 9 BA Statement of Presumed Abuse (batch), BA Statement of Presumed Abuse

		(batch), BA Statement of Presumed Abuse (batch), BA Statement of Presumed Abuse (batch), BA Statement of Presumed Abuse (batch)) Service Date 02/16/2008. (Admin.) (Entered: 02/17/2008)
02/14/2008	10	Amended Schedules-Statements filed: Means Test B22 A,B or C,Declare primary debts to be non-consumer;Means Test B22 A,B or C, Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 02/14/2008)
02/14/2008	9	<p>As required by 11 U.S.C. Sec. 704(b)(1)(A), the Bankruptcy Administrator has reviewed all of the materials filed by the debtor(s). Having considered these materials in reference to the criteria set forth in 11 U.S.C. Sec. 707(b)(2)(A), and, pursuant to 11 U.S.C. Sec. 704(b)(2), the Bankruptcy Administrator determines that:(1) the debtor's (s') case should be presumed to be an abuse under section 707(b); and</p> <p>(2) the product of the debtor's current monthly income, multiplied by 12, is not less than the requirements specified in section 704(b)(2)(A) or (B).</p> <p>As required by 11 U.S.C. Sec. 704(b)(2) the Bankruptcy Administrator shall, not later than 30 days after the date of this Statement's filing, either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the Bankruptcy Administrator does not consider such a motion to be appropriate.</p> <p>Debtor(s) may rebut the presumption of abuse only if special circumstances can be demonstrated as set forth in 11 U.S.C. Sec. 707(b)(2)(B).</p> <p>. (West, Michael) (Entered: 02/14/2008)</p>
02/08/2008	8	Chapter 7 Meeting of Creditors Held (Parnell, Donna) (Entered: 03/14/2008)
01/30/2008	8	Notice of Appearance and Request for Notice by John H. Small Filed by Creditors Richard Clark, DNA Security, Inc.. (Small, John) (Entered: 01/30/2008)
01/24/2008	7	Certificate of Financial Management Course Filed . Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 01/24/2008)
01/22/2008	6	Amended Schedules-Statements filed: Sch B,Add professional books/music; Exempt Prop Clm,amend vehicle exemption value and add books/music; Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 01/22/2008)

01/17/2008	 5	BNC Certificate of Mailing - Meeting of Creditors. (RE: related document(s) 4 Meeting of Creditors Chapter 7 No Asset) Service Date 01/17/2008. (Admin.) (Entered: 01/18/2008)
01/15/2008	 4	Meeting of Creditors 341(a) meeting to be held on 2/8/2008 at 09:00 AM at Creditors Mtg Room, Durham. CertOfComp FinMgt Course Due: 3/24/2008. Last day to oppose discharge or dischargeability is 4/8/2008. (Lawson, G.) (Entered: 01/15/2008)
01/15/2008	 3	Certificate of Credit Counseling Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 01/15/2008)
01/15/2008		Receipt of filing fee for Voluntary Petition (Chapter 7)(08-80034) [misc,volp7] (299.00). Receipt number 1617278, amount \$ 299.00. (U.S. Treasury) (Entered: 01/15/2008)
01/15/2008	 2	Statement of Social Security Number(s) Filed by Debtor Michael B. Nifong. (Craven, James) (Entered: 01/15/2008)
01/15/2008	 1	Chapter 7 Voluntary Petition. Fee Amount \$299 Filed by Michael B. Nifong (Craven, James) (Entered: 01/15/2008)