

In the bankruptcy court, Judge Frank granted Wachovia Bank, N.A.'s motions to dismiss the bankruptcy petitions of DCNC North Carolina I, L.L.C. ("**DCNC**") and Goose Marsh, L.L.C. ("**Goose Marsh**") under 11 U.S.C. § 1112(b), and the debtors appealed. The parties first came before this court on the debtors' emergency motions for stay pending appeal and for expedited consideration. Oral argument was held on September 25, 2009. On the basis of the parties' briefs, arguments, and the record below, the court decided that debtors did not show a likelihood of success on the merits. *Id.*

After reviewing the submissions on appeal and the record below, we find no errors in Judge Frank's findings of fact, conclusions of law or application of facts to the law. The bankruptcy court properly exercised its discretion in dismissing the petitions. The decision of the bankruptcy court is affirmed on the court's previous opinion and the opinion of Judge Frank, *In re DCNC N.C. I, LLC*, 407 B.R. 651 (Bankr. E.D. Pa. 2009).