

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

| | | |
|------------------------|---|-------------------------------------|
| In Re: |) | |
| |) | |
| ROBIN GARRETT TOMER, |) | Bankr. Case No. 08-61265 |
| |) | |
| Debtor. |) | |
| _____ |) | |
| |) | |
| ROMAR ELEVATORS, INC., |) | |
| |) | Civil Action No. 4:09CV0008 |
| Appellant, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| ROBIN GARRETT TOMER, |) | |
| |) | By: Jackson L. Kiser |
| Appellee, |) | Senior United States District Judge |
| |) | |
| REBECCA B. CONNELLY |) | |
| |) | |
| Chapter 13 Trustee, |) | |
| Party in Interest. |) | |

Appeal from the United States Bankruptcy Court

For the Western District of Virginia, at Lynchburg.

Hon. William E. Anderson, United States Bankruptcy Judge.

(Bankruptcy Case No. 08-61265)

Submitted: August 4, 2009

Decided: August 17, 2009

COUNSEL: Darren W. Bentley, CLEMENT & WHEATLEY, Danville, Virginia, for Appellant. Lewis E. Goodman, Jr., Danville, Virginia, for Appellee. Rebecca B. Connelly, CHAPTER 13 TRUSTEE, Roanoke, VA, Party in Interest.

Before me is the United States Bankruptcy Court's August 4, 2009 Supplemental Memorandum Issued Pursuant to Remand [Docket #18] determining the Robin Garret Tomer ("the Debtor") filed her chapter 13 bankruptcy petition in good faith as required under 11 U.S.C. § 1325(a)(7).

In a bankruptcy appeal, I review the bankruptcy court's factual findings for clear error. In re Bryson Properties, XVIII, 961 F.2d 496, 499 (4th Cir. 1992); Fed. R. Bankr. P. 8013. Pursuant to the aforementioned standard, I find no error in the bankruptcy court's determination the Debtor filed a chapter 13 petition in good faith. Therefore, the bankruptcy court has found both the Debtor's chapter 13 petition and plan were filed in good faith in accordance with 11 U.S.C. §§ 1325(a)(3), (a)(7).

I dispense with oral argument because the facts and legal contentions are adequately presented in the materials before me and argument would not aid the decisional process.

It is hereby **ORDERED** that the bankruptcy court's Supplemental Memorandum Issued Pursuant to Remand is **AFFIRMED** for the reasons stated by the bankruptcy court, the appeal is **DISMISSED**, and the case is **REMANDED** to the bankruptcy court for further proceedings.

The Clerk is directed to send a copy of this *Order* to all counsel of record.

Entered this 18th day of August, 2009.

s/Jackson L. Kiser
Senior United States District Judge