

SIGNED.



Dated: June 04, 2008

*James M. Marlara*  
JAMES M. MARLAR  
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA

In re: ) Chapter 7  
THOMAS G. BACH, ) No. 4:08-bk-01023-JMM  
Debtor. ) **MEMORANDUM DECISION**

The chapter 7 Debtor in this case has filed two motions with the court. They are: (1) a motion to reinstate his dismissed case (Dkt. #37), and (2) a motion to convert his case to one under chapter 11, the reorganization chapter (Dkt. #33). The Debtor's scheduled unsecured debts totaled \$130,651.27 (*see* Schedule F, Dkt. #16).

As for the Debtor's secured debt, the Debtor lists ownership of a commercial parcel of land in Carmel Valley, California, which he values at \$2,100,000. The lien listed thereon is \$1,888,396.31. (Schedule A, Dkt #16.) However, from prior proceedings before the court, this asset may have already been foreclosed.

**CONVERSION TO CHAPTER 11**

Conversion to the reorganization chapter seems, on the surface, to be a futile exercise for several reasons. First, if there is no longer any unsecured debt to pay, by virtue of its collective discharge in chapter 7, and if the secured real property has been foreclosed, it does not appear that a reorganization is either feasible (on a practical level) or confirmable (on a legal level).



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15 By /s/ M. B. Thompson  
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