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2 Suite B-101  
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The Honorable Timothy Dore  
Chapter 7  
Hearing Location: Seattle Courthouse  
Hearing Date: April 7, 2017  
Hearing Time: 9:30 a.m.  
Response Date: March 31, 2017

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8  
9 IN THE UNITED STATES BANKRUPTCY COURT  
10 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

11 In re:

12 Vien My Tran,

13 Debtor.

CHAPTER 7 PROCEEDINGS

NO. 17-10154-TWD

**MOTION TO CONVERT  
CASE FROM CHAPTER 7  
TO CHAPTER 13**

**NOTE FOR CONSIDERATION:  
Friday, April 7, 2017**

14  
15  
16 TO: THE HONORABLE UNITED STATES BANKRUPTCY JUDGE DORE  
17 AND TO: CLERK OF THE UNITED STATES BANKRUPTCY COURT, RON  
18 BROWN, CHAPTER 7 TRUSTEE, AND ALL INTERESTED CREDITORS.

19 **NOTICE OF MOTION AND HEARING**

20 PLEASE TAKE NOTICE that debtor's motion to convert case from a Chapter 7  
21 to a Chapter 13 is set for hearing as follows:

22 Honorable Timothy W. Dore  
United States Courthouse  
700 Stewart Street, Courtroom 8106  
23 Seattle, WA 98101

**Time:** 9:30 a.m.

**Date:** April 7, 2017

24 IF YOU OPPOSE the Motion, you must file your written response with the  
25 Clerk's office of the Bankruptcy Court and deliver copies to the undersigned and all  
interested parties, including the Chapter 7 Trustee, NOT LATER THAN THE

MOTION TO CONVERT CASE TO CHAPTER 13

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1 RESPONSE DATE, which is March 31, 2017. If you file a response you are also  
2 required to appear at the hearing.

3 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its  
4 discretion, GRANT THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER  
5 NOTICE, and strike the hearing.

6 Dated: March 6, 2017.

7 Moving Party,  
8 GHG Lawgroup, PLLC

9 /s/ N. Brian Hallaq  
10 N. Brian Hallaq, WSBA #29621  
11 Attorney for Vien Tran

12 /s/ Jan Gossing  
13 Jan Gossing, WSBA #31559  
14 Attorney for Vien Tran

### 15 MOTION

16 The above-captioned motion is made pursuant to 11 U.S.C. Section 706, allowing  
17 the debtor to convert "at any time". This case has not previously converted from a  
18 Chapter 13 or 11. The debtor is eligible to be a debtor under a Chapter 13.

### 19 STATEMENT OF THE FACTS

20 The debtor in this case filed this case as a Chapter 7 case on January 13, 2017.  
21 The debtor has not received a discharge. The debtor attended her §341 hearing on  
22 February 16, 2017 and testified at the time that they intended to retain their residence.

23 The debtor's adult daughter lives with her. In light of the debtor's circumstances,  
24 the United States Trustee's Office filed a Statement of Presumed Abuse under Section  
25 707(b) on February 28, 2017. The debtor desires to resolve any issues related to her  
income and expenses and therefore requests that this case be administered under Chapter  
13.

1 **STATEMENT OF THE ISSUES**

2 Whether an order, in the form proposed by the debtor to convert her case to  
3 Chapter 13 should be entered.

4 **EVIDENCE RELIED UPON**

5 1) All Pleadings and Files on record herein.

6 **AUTHORITY**

7 11 USC §706 provides that:

- 8 (a) The debtor may convert a case under this chapter to a case under  
9 chapter 11, 12, or 13 of this title at any time, if the case has not been  
10 converted under section 1112, 1208, or 1307 of this title. Any waiver  
11 of the right to convert a case under this subsection is unenforceable.
- 12 (b) On request of a party in interest and after notice and a hearing, the  
13 court may convert a case under this chapter to a case under chapter 11  
14 of this title at any time.
- 15 (c) The court may not convert a case under this chapter to a case under  
16 chapter 12 or 13 of this title unless the debtor requests or consents to  
17 such conversion.
- 18 (d) Notwithstanding any other provision of this section, a case may not be  
19 converted to a case under another chapter of this title unless the debtor  
20 may be a debtor under such chapter.

17 **ARGUMENT**

18 The debtor in this case has not converted her case to any other Chapter and is  
19 entitled to a discharge under Chapter 13. The debtor may convert her Chapter 7 case as a  
20 matter of right to a Chapter 13 case.

21 **PROPOSED ORDER**

22 A proposed form of order accompanies this motion.

23 DATED this 6<sup>th</sup> day of March 2017.

24 GHG Lawgroup PLLC

25 /s/ N. Brian Hallaq

1 N. Brian Hallaq, WSBA#29621  
2 Attorney for the Debtor

3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on March 6, 2017, I electronically filed the foregoing with the  
5 Clerk of the Court using the CM/ECF system which will send notification of such filing  
6 to the following:

7 Ronald Brown, Ch. 7 Trustee [rgblaw@nwlinc.com]  
8 Michael P. Harris [mph4@quidnunc.net]  
9 United States Trustee's Office [USTPRegion18.SE.ECF@usdoj.gov]

10 I further certify that on March 6, 2017, I caused to be delivered by first class mail  
11 the foregoing motion via first class mail to the following parties:

12 Amex  
13 PO Box 981540  
14 El Paso, TX 79998-1540

15 Bank Of America  
16 PO Box 26012  
17 Greensboro, NC 27420-6012

18 Capital One Bank  
19 PO Box 30285  
20 Salt Lake City, UT 84130-0285

21 Chase Auto Finance  
22 201 N Central Avenue  
23 Phoenix, AZ 85004-1071

24 Chase Card Services  
25 PO Box 15278  
Wilmington, DE 19850-5278

Citibank  
PO Box 790040  
Saint Louis, MO 63179-0040

Citibank Sears  
PO Box 790040  
Saint Louis, MO 63179-0040

Citimortgage Inc.

MOTION TO CONVERT CASE TO CHAPTER 13

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1 PO Box 6423  
2 Sioux Falls, SD 57117

3 Citimortgage Inc.  
4 PO Box 6423  
5 Sioux Falls, SD 57117

6 Comenity Bank/Express  
7 PO Box 18215  
8 Columbus, OH 43218

9 Comenity Capital Bank  
10 PO Box 183043  
11 Columbus, OH 43218-3043

12 Comenity Capital Bank  
13 PO Box 659820  
14 San Antonio, TX 78265-9120

15 US BANK  
16 PO BOX 5229  
17 CINCINNATI OH 45201-5229

18 FORD MOTOR CREDIT COMPANY  
19 PO BOX 62180  
20 COLORADO SPRINGS CO 80962-2180

21 Lexus Pursuits  
22 PO Box 183043  
23 Columbus, OH 43218-3043

24 Nordstrom  
25 13531 E Caley Ave.  
Englewood, CO 80111-6505

PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Portfolio Recovery Associates  
c/o Machol & Johannes, LLC  
150 Nickerson Street  
Suite 204  
Seattle, WA 98109-1634

Syncb/Lord & Taylor

MOTION TO CONVERT CASE TO CHAPTER 13

GHG Lawgroup PLLC  
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1 PO Box 965064  
2 Orlando, FL 32896-5064

3 Synchrony Bank  
4 dba GE Money Line of Credit  
5 PO Box 965064  
6 Orlando, FL 32896-5064

7 Synchrony Bank/ JC Penneys  
8 PO Box 965064  
9 Orlando, FL 32896-5064

10 Synchrony Bank/Banana Republic  
11 PO Box 965064  
12 Orlando, FL 32896-5064

13 Synchrony Bank/Linen N' Things  
14 PO Box 965064  
15 Orlando, FL 32896-5064

16 Synchrony Bank/Lowes  
17 PO Box 965064  
18 Orlando, FL 32896-5064

19 Toyota Motor Credit Corporation  
20 PO BOX 8026  
21 Cedar Rapids, IA 52408-8026

22 Toyota Motor Credit Corporation  
23 PO BOX 8026  
24 Cedar Rapids, IA 52408-8026

25 US Dept of Education  
PO Box 16448  
Saint Paul, MN 55116-0448

US Dept of Education  
dba Great Lakes Educational  
2401 International  
Madison, WI 53704-3121

Vacation Internationale  
1417 116th Ave. N.E.  
Bellevue, WA 98004-3821

Visa Dept Store National Bank

MOTION TO CONVERT CASE TO CHAPTER 13

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1 PO Box 8053  
2 Mason, OH 45040-8053

3 Wells Fargo Auto Finance  
4 PO Box 29704  
Phoenix, AZ 85038-9704

5 Wells Fargo Bank  
6 PO Box 10438  
Des Moines, IA 50306-0438

7 Wellsfargo Finance  
8 800 Walnut St  
Des Moines, IA 50309-3605

9 Zwicker & Associates PC  
10 12550 SE 93rd Avenue  
Suite 430  
11 Clackamas, OR 97015-5760

12 DATED this 6<sup>th</sup> day of March, 2017.

13 GHG Lawgroup PLLC  
14 Attorneys for the Debtor

15  
16 By: /s/ N. Brian Hallaq  
N. Brian Hallaq, WSBA# 29621  
17 Jan Gossing, WSBA# 31559  
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