

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

IN RE: )  
 )  
JOHN WESLEY BULLARD, ) CHAPTER 7 BANKRUPTCY  
 ) CASE NO. 92-50687  
 )  
DEBTOR )

**ORDER ON MOTION TO TRANSFER DEBTOR'S CASE**

The debtor, through his attorney, has filed a Motion to Transfer this case to the Middle District of Georgia. The motion contends that the debtor is under hardship to attend his § 341(a) Meeting due to his incarceration in the Georgia Penal System. The motion alleges that the debtor is presently situated in Sparta, Georgia.

This is a voluntary Chapter 7 case which was filed on December 22, 1992. The debtor has failed to attend several 341(a) Meetings because of his incarceration. Judge Davis entered an order on November 19, 1993 denying the debtor's request to appear through a power of attorney. It now appears that the debtor believes that a transfer of this case to the Middle District would make it possible for him to make that appearance. The Court declines to authorize such a transfer.

Mr. Stephen L. Jackson of Waycross, Georgia was appointed by the U.S. Trustee to serve as the Interim Trustee in this case. Mr. Jackson will serve as the permanent Trustee unless creditors elect a Trustee. Mr. Jackson appears to be aware of the debtor's circumstances as well as the matters detailed in

the debtor's schedules.

The Court notes from the schedules the debtor's response to question number 10 in the Statement of Affairs indicating that the debtor transferred real property to his mother within one year of the filing of the Chapter 7 case. The Trustee can pursue that matter without having conducted a § 341(a) Meeting. If an examination of the debtor is necessary or if the debtor's testimony would be required to pursue such an action, the debtor is available to be interviewed and/or deposed. It also appears that the debtor's mother is available to be questioned regarding that matter and, if necessary, to give testimony.

A transfer of this case to the Middle District would not appear to facilitate the administration of the case and, in particular, the prosecution of an avoidance proceeding. On the contrary, such a transfer would necessitate the appointment of a new Trustee who might not have the benefit of the background of the case and, further, who might be subject to an abbreviated period before the expiration of the statute of limitation.

The Trustee should proceed with the administration of this case without regard to the failure of the debtor to attend his § 341(a) Meetings. The debtor and his attorney should make arrangements with the Trustee and the Court for the debtor to attend such a hearing. If those arrangements are not made, the Court may enter an appropriate order dismissing the case, revoking any discharge which may have been entered or otherwise

addressing the matter of the failure of the debtor to discharge his duties as a debtor in this case.

Now, therefore it is hereby

ORDERED that the debtor's motion to transfer this case to the Middle District of Georgia is denied.

SO ORDERED this 23rd day of February, 1994.

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JAMES D. WALKER, JR., Judge  
United States Bankruptcy Court