

served. The Defendant was served by First Class Mail at the last address identified by him.

2) The Defendant failed to file an Answer to the Plaintiff's complaint.

3) The Debtor filed a Chapter 13 petition jointly with his wife, Becky, then as Holtzclaw on November 3, 1986. Subsequently, on April 3, 1987, the Debtor filed to convert his Chapter 13 petition to a Chapter 7. A total of three Section 341 hearings were held in the Debtor's Chapter 13 and 7 cases. The Debtor failed to appear at any of the 341 Meetings. The Debtor, moreover, failed to appear at a Rule 2004 Examination scheduled for October 12, 1987, which was scheduled by this Court's October 2, 1987, Order. The Debtor's only explanation for these multiple absences was given at the August 26, 1987, trial upon the complaint of Washington Plaza Limited Partnership v. Robert J. Holtzclaw, No. 187-0033. The Debtor's stated explanation for these absences is that his business and marriage failed.

4) In September, 1986, the Debtor received his Christmas inventory and was fully stocked for Christmas sales. In May of 1987, no jewelry or inventory could be found at the Debtor's business premises. The premises were found in disarray, fixtures were missing, and certain other fixtures had been partially dismantled. At some time between the Debtor's

filing of his Chapter 13 petition and May of 1987 there was sign posted on the premises indicating that certain jewelry and inventory had been transferred to Goldsmith's, a jewelry business owned by the Defendant/Debtor's brother.

CONCLUSIONS OF LAW

Under Code Section 727:

"(a) The court shall grant the debtor a discharge, unless--

(2) The debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of the property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed--

(A) Property of the debtor, within one year before the date of the filing of the petition; or

(B) Property of the estate after the date of the filing of the petition;

(5) the debtor has failed to explain satisfactorily, before determination of denial of discharge under this paragraph, any loss of assets or deficiency of assets to meet the debtor's liabilities;

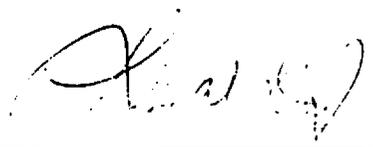
(6) the debtor has refused, in the case--

(A) to obey any lawful order of the court, other than an order to respond to a material question or to testify;"

The combination of the Debtor's failure to appear, unexplained removal of the jewelry inventory from his place of business, and failure to obey this Court's Order to appear at a Rule 2004 Examination are sufficient grounds to deny granting the Debtor a discharge. Furthermore, "the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title". Code Section 105(a). The ongoing delay perpetrated by the Debtor on his creditors and on this Court contravenes the underlying purposes and policies of the Bankruptcy Code.

O R D E R

IT IS THE ORDER OF THIS COURT that the discharge of Robert J. Holtzclaw is denied.



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 10th day of December, 1987.