

**2020 Mont. B.R. 332**

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA**

In re

**RYAN DEAN KALE and ANGELA  
RAE KALE,**

Debtors.

Case No. **19-60541-BPH**

***ORDER***

At Butte in said District this 4<sup>th</sup> day of August, 2020.

Debtors commenced this case as joint Debtors under Chapter 13 of the Bankruptcy Code on May 30, 2019. On July 30, 2020, Debtors' counsel attempted to convert Debtor Ryan Kale's case to Chapter 7 of the Bankruptcy Code. Joint debtors cannot file a single case with one debtor operating in a Chapter 13 and the other in a Chapter 7. If Debtor Ryan Kale wants to convert to a Chapter 7, Debtors must file a motion to bifurcate their case, with notice to all parties of an opportunity to respond. Debtors must also pay the fee of \$310.00 to split their Chapter 13 case. Once Debtors' case is bifurcated, Debtor Ryan Kale may voluntarily convert his Chapter 13 case to one under Chapter 7. Until Debtors properly file a motion to bifurcate and pay the appropriate fee, they may not jointly operate under two chapters of the Bankruptcy Code. Accordingly,

IT IS ORDERED that Debtor Ryan Kale's voluntary conversion to Chapter 7 of the Bankruptcy Code on July 30, 2020, is denied. This case will remain as a Chapter 13 case until both Debtors convert their case to Chapter 7 or until the case is bifurcated.

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IT IS FURTHER ORDERED that the United States Trustee's motion to deny Debtor Angela Kale's discharge is denied as moot. The United States Trustee may renew the motion if Debtor Angela Kale later converts to Chapter 7 of the Bankruptcy Code.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "B. Hursh", written over a horizontal line.

Hon. Benjamin P. Hursh  
United States Bankruptcy Court  
District of Montana