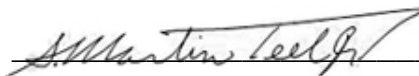


The Memorandum Decision below is hereby signed.
Dated: March 4, 2008.




S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)
)
PESA PROPERTIES, INC.,) Case No. 08-00055
) (Chapter 11)
Debtor.) NOT FOR PUBLICATION IN
) WEST'S BANKRUPTCY REPORTER

MEMORANDUM DECISION RE MOTION
TO DISMISS WITH PREJUDICE AND FOR SANCTIONS

This decision addresses the unopposed motion to dismiss with prejudice and for sanctions filed by Hugh V. Kelly. Valda Crowder, the president of the debtor and majority shareholder, signed the petition commencing this case. No attorney signed the petition. The court brought this defect to the debtor's attention, and when it was not corrected, the court dismissed the case but reserved ruling on whether the case should be dismissed with prejudice based on Kelly's motion (which was not yet ripe for a ruling).

In a prior case, In re Pesa Properties, Inc., Case No 07-00625, the same thing occurred, yet, after that case was dismissed, Ms. Crowder filed the petition in this case with the same defect. The filing of the petition in this case occurred

just before a scheduled foreclosure sale. This supports a finding of bad faith on the part of the debtor and Ms. Crowder, the dismissal of this case with prejudice, and imposition of sanctions against both the debtor and Ms. Crowder.

The difficulty is that Kelly's motion was served on the debtor but was not separately served on Ms. Crowder. A hearing is set on Kelly's motion for March 18, 2008. There is no need for a hearing unless Ms. Crowder files a timely opposition to the imposition of sanctions against her. Accordingly, the court will cancel the March 18, 2008 hearing and require Kelly to re-serve the motion on Ms. Crowder with a notice of opportunity to respond to the motion within 14 days of the filing date of such notice.

The motion was properly served on the debtor at its address of record. Accordingly, the court will make the dismissal of this case with prejudice for 180 days, and will impose sanctions against the debtor.

An order follows.

[Signed and dated above.]

Copies to: Debtor; Valda Crowder c/o debtor; Office of United States Trustee; Philip J. McNutt, Esq.; all other entities on BNC mailing list.