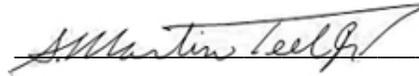


The document below is hereby signed.

Signed: November 22, 2010.



  
S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re	)	
	)	
STEPHEN THOMAS YELVERTON,	)	Case No. 09-00414
	)	(Chapter 7)
Debtor.	)	Not for Publication in
	)	West's Bankruptcy Reporter

MEMORANDUM DECISION RE MOTION TO RECONSIDER

In a Memorandum Decision of October 7, 2010 (Dkt. No. 355), the court denied an earlier motion filed by the debtor Yelverton seeking reconsideration of the order converting this case to chapter 7. Yelverton has now filed a motion (Dkt. No. 362) for reconsideration of that Memorandum Decision. Yelverton argues that his alimony obligation was not fixed as an order of the Superior Court, and thus, as a mere contractual obligation, was subject to avoidance or discharge by the bankruptcy court. Alternatively, he argues, if the obligation was incorporated as part of a judicial decree in the Superior Court, it would be subject to adjustment by the Superior Court based on Yelverton's ability to pay. Either way, he contends, the issue of alimony should be stricken as a basis for converting the case to chapter

7.

Yelverton could have raised these issues in opposing the motion to convert, and ought not be allowed belatedly to raise them now. Moreover, he does not contend that the propriety of conversion of the case to chapter 7 would have been altered if alimony had been stricken as a factor in deciding the motion to convert. This case was pending too long in chapter 11, with insufficient progress being made towards a confirmable plan, and with no need shown for utilizing the reorganization provisions of chapter 11 instead of a liquidation under chapter 7. Even if Yelverton were right regarding his alimony obligation, that would not have altered the propriety of converting this case to chapter 7.

An order follows denying the motion to reconsider.

[Signed and dated above.]

Copies to: Debtor; Office of the United States Trustee; Chapter 7 Trustee.