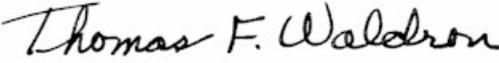


This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: April 10, 2007

  
Thomas F. Waldron  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

In re: DEBORAH L. SHEPHERD,

*Debtor*

Case No. 06-30924

Adv. No. 06-3233

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ROBERT J. WEHRLE-EINHORN  
JUANITA L. WEHRLE-EINHORN,

*Plaintiffs*

Judge Waldron  
Chapter 7

v.

DEAN SHEPHERD,

*Defendant*

**DECISION ON ORDER DISMISSING  
ADVERSARY**

DATED AT DAYTON, OHIO this 10th Day of April, 2007:

Although this adversary proceeding has a somewhat complicated procedural history, at this point, there is no justiciable issue remaining for determination by the court and, accordingly, dismissal of this adversary is appropriate.

This adversary was originally commenced during the Debtors' chapter 13 case and following various filings by the parties, the court entered a *Decision Granting In Part, Denying In Part, Motion Of Defendants To Dismiss Complaint* (Doc. 14) and an accompanying *Order On Decision Granting In Part, Denying In Part, Motion Of Defendants To Dismiss Complaint* (Doc. 15). Thereafter, the court entered a *Decision Denying Motion Of Plaintiffs For Reconsideration Of Decision Granting Motion To Dismiss As To Deborah L. Shepherd* (Doc. 26) and accompanying *Order On Decision Denying Motion Of Plaintiffs For Reconsideration Of Decision Granting Motion To Dismiss As To Deborah L. Shepherd* (Doc. 27).

At that point the Debtor-Defendant, Deborah L. Shepherd, was no longer a part of this adversary proceeding and the only remaining Defendant was the Debtor-Defendant, Dean Shepherd. The Court then conducted a pretrial conference and entered an *Order: Granting Motion To Convert Chapter 13 Case To Chapter 7 Case, Fixing Filing Dates, Entering Determinations Pursuant To 28 U.S.C. § 157 And 28 U.S.C. § 1334, Fixing Discovery Cut-Off date, And Requiring Presentation Of Agreed Order Or Written Status Report* (Doc. 23).

This Order (Doc. 23) was premised on the Dean Shepherd remaining a debtor in the converted chapter 7 case; however, on January 24, 2007, in the estate case, the court entered an *Agreed Order Dismissing Co-Debtor Dean Shepherd From Case* (Estate Case No. 06-30924 – Doc. 70). This intervening *Agreed Order Dismissing Co-*

*Debtor Dean Shepherd From Case* (Estate Case No. 06-30924 – Doc. 70) leaves no Debtor-Defendant in this adversary proceeding.

Accordingly, this adversary proceeding is **DISMISSED** and all requirements in the court's prior Order (Doc. 23) are deemed **MOOT**. An order in accordance with this decision is simultaneously entered.

**SO ORDERED.**

c:

Robert J. Wehrle-Einhorn and Juanita L. Wehrle-Einhorn, 1554 Benson Drive, Dayton, Ohio 45406 (Plaintiffs)

Deborah L. Shepherd, 1102 Patterson Road, Dayton, Ohio 45420 (Debtor)

Dean Shepherd, 1102 Patterson Road, Dayton, Ohio 45420

Jerry A. Meadows, Esq., 580 Lincoln Park Boulevard, Suite 244, Dayton, Ohio 45429 (Atty. for the Debtor, Deborah L. Shepherd)

Ruth A. Slone, Esq., 22 Brown Street, Post Office Box 3340, Dayton, Ohio 45401-3340 (Chapter 7 Trustee)

Office of the United States Trustee, 170 North High Street, Suite 200, Columbus, Ohio 43215

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