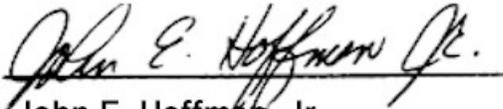


This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: June 08, 2005

  
John E. Hoffman, Jr.  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

*In re:* :  
 :  
 VIVIAN ANN KING, : Case No. 05-51441  
 : Chapter 7  
 : Judge Hoffman  
 *Debtor.* :

**ORDER DENYING MOTION TO DISMISS  
PURSUANT TO 11 U.S.C. § 707(b)**

This matter came before the Court on June 6, 2005 for hearing (“Hearing”) on the Motion to Dismiss Pursuant to 11 U.S.C. § 707(b) (“Motion to Dismiss”) (Doc. 9) filed by the U.S. Trustee and the Motion of Opposition to Dismiss Pursuant to 11 U.S.C. § 707(b) (“Response”) (Doc. 11) filed by the Debtor Vivian Ann King (“Debtor”). In its Motion to Dismiss, the U.S. Trustee contends that granting Debtor a discharge would be a substantial abuse of the provisions of Chapter 7. Appearing at the Hearing were the Debtor, pro se, and Kristopher Aungst for the U.S. Trustee.

Having considered the Motion to Dismiss, Response, the evidentiary record, the arguments and representations of the parties, and the relevant case law, the Court made oral findings of fact and

conclusions of law at the Hearing (“Oral Decision”), which are incorporated in this order by reference. In the event of an appeal, a transcript of the Oral Decision shall be entered separately into the record.

In weighing the totality of circumstances in this case and considering the guidelines set forth in *In re Krohn*, 886 F.2d 123 (6th Cir. 1989) and *Behlke v. Eisen (In re Behlke)*, 358 F.3d 429 (6th Cir. 2004), the Court finds that granting Chapter 7 relief to the Debtor would not be a substantial abuse of the provisions of Chapter 7 of the Bankruptcy Code. As stated in *In re Goddard*, 323 B.R. 231, 235 (Bankr. S.D. Ohio 2005), 11 U.S.C. § 707(b) establishes a presumption in favor of granting the relief requested by the Debtor—i.e., a discharge of her debts. For the reasons stated in the Oral Decision, the Court invokes that presumption here. Accordingly, the Court **DENIES** the U.S. Trustee’s Motion to Dismiss.<sup>1</sup>

**IT IS SO ORDERED.**

Copies to:

Vivian Ann King, Debtor, 88 *Mockingbird Ct., Columbus, OH 43147*  
Frederick L Ransier, Chapter 7 Trustee, 52 *East Gay Street, PO Box 1008,*  
*Columbus, OH 43216*  
Kristopher E Aungst, Office of the U.S. Trustee, 170 *N. High Street, Suite 200,*  
*Columbus, Ohio 43215*

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<sup>1</sup>The U.S Trustee’s objection to the admissibility of Debtor’s Amended Schedule J (Doc. 23) was also overruled at the Hearing. The Debtor is hereby directed to file a revised Amended Schedule J using Official Bankruptcy Form Schedule J within 30 days of the Hearing.