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Subject:07-12269-s7 Doc. 21 Stephen Victor Smith -- Order Dismissing Case

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U.S. BANKRUPTCY COURT

New Mexico

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Case Name: Stephen Victor Smith

Case Number: [07-12269-s7](#)

Document Number: [21](#)

Docket Text:

Order Dismissing Case Without Prejudice. (mba)

The following document(s) are associated with this transaction:

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[STAMP bkecfStamp_ID=1021991579 [Date=10/26/2007] [FileNumber=1165680-0] [bf637c9efc41eed7dd4eed143168e69829d73d745ef93e8a28b628cf83b7407747ad44dc117a0a3c76073b615be6177364cc42a1e9286a0e83df0ab1230dfdf]]

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Notice will not be electronically mailed to:

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Stephen Victor Smith
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

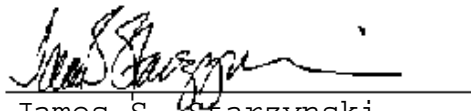
In re:
STEPHEN VICTOR SMITH,
Debtor.

No. 7-07-12269 SA

ORDER DISMISSING CHAPTER 7 CASE WITHOUT PREJUDICE

Prior to the filing of his petition (doc 1), Debtor Stephen Victor Smith obtained the instruction in personal financial management required by §727(a)(11), as evidenced by the certificate thereof filed by Debtor (doc 4). Unfortunately, what Debtor should have obtained instead was the budget and credit counseling mandated by §109(h) as a condition for being a debtor in a bankruptcy case. In consequence, because the Bankruptcy Code, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-08, 119 Stat. 23, does not permit any exception that would be applicable to Debtor, the Court must dismiss this chapter 7 case, even though Debtor appears to be entirely without fault in this matter. See In re Giles, 361 B.R. 212 (Bankr. D. Utah 2007).

IT IS THEREFORE ORDERED that this chapter 7 case is dismissed without prejudice to Debtor Stephen Victor Smith refiling another petition at any time.


James S. Starzynski
United States Bankruptcy Judge

COPY TO:

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303 Las Marias
Rio Rancho, NM 87124

Philip J. Montoya
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