

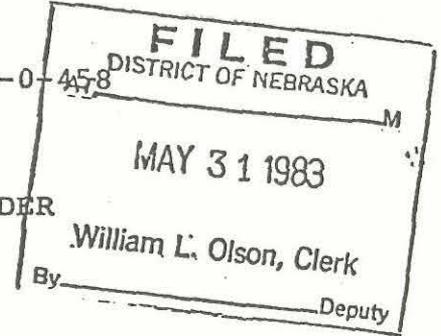
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:)
)
 JOHN L. HEARN,)
)
 Debtor.)
)
 JOHN L. HEARN,)
)
 Plaintiff,)
)
 vs.)
)
 HYDROFLO CORPORATION, et al.,)
)
 Defendants.)

BK 82-685

CV 82-0-458

ORDER



This matter is on appeal from a decision by the Bankruptcy Court for the District of Nebraska sustaining the objection by appellee, Hydroflo Corporation, to appellant's Chapter 13 plan, and sustaining Hydroflo's motion to convert this case to a Chapter 7 proceeding pursuant to 11 U.S.C. § 1307(c)(4).

The Bankruptcy Court's refusal to confirm the debtor's plan was based on a finding, pursuant to 11 U.S.C. § 1325(a)(3), that the debtor had not acted in good faith. After a review of the record and the parties' written arguments, the Court cannot conclude that the findings of the Bankruptcy Court were clearly erroneous. See generally, regarding the meaning of "good faith," In re Estus (United States v. Estus), 695 F.2d 311 (8th Cir. 1982); In re Terry (Tenney v. Terry), 630 F.2d 634 (8th Cir. 1980). In addition, the Bankruptcy Court's decision to convert this case to a Chapter 7 proceeding rather than to dismiss it was not clearly erroneous or an abuse of discretion.

IT IS THEREFORE ORDERED that the decision of the Bankruptcy Court in this matter is affirmed.

DATED this 31st day of May, 1983.

BY THE COURT:



C. ARLEN BEAM
UNITED STATES DISTRICT JUDGE