



The relief described hereinbelow is SO ORDERED.

Signed October 04, 2007.

A handwritten signature in black ink that reads "Robert D. Berger".

ROBERT D. BERGER
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

In re:

**LESLIE A. CAMACHO and
DOMINIC CAMACHO,
Debtors.**

**Case No. 06-20729
Chapter 7**

**ORDER DENYING
UNITED STATES TRUSTEE'S MOTION TO DISMISS OR CONVERT**

The United States Trustee's Motion to Dismiss Pursuant to Section 707(b)¹ is currently pending before the Court. The UST seeks dismissal for presumed abuse under 11 U.S.C. §707(b)(2). The case depends on whether Debtors may deduct monthly car ownership allowances for two cars when they own two cars, only one of which is encumbered.

Findings of Fact

Debtors filed for Chapter 7 relief on May 30, 2006. On the petition date, Debtors' Toyota Tercel was not encumbered. Debtors also owned a 1998 Cadillac DeVille which was encumbered. Debtors have above-median income. On their Statement of Current Monthly

¹ Doc. No. 25.

Income and Means Test Calculation (“Form B22A”), Debtors deducted monthly allowances of \$471.00 and \$156.90, respectively, which represent the IRS vehicle ownership allowances for two cars reduced by Debtors’ \$175.10 monthly payment obligation for the DeVille. Debtors’ Form B22A indicates disposable income of negative \$356.87 per month. With the car deductions, the presumption of abuse does not arise; however, if the deductions are reduced as requested by the UST, Debtors’ filing is presumptively abusive.

Conclusions of Law

In accord with *In re Thomas*,² the Court concludes Debtors are entitled to claim vehicle ownership expenses for two cars even though Debtors do not have a lien or lease encumbering one of their cars. As a result, Debtors’ case is not presumed abusive and the UST’s Motion to Dismiss is DENIED.

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ROBERT D. BERGER
U.S. BANKRUPTCY JUDGE
DISTRICT OF KANSAS

² *In re Thomas*, Case No. 06-21108 (Bankr. D. Kan. October 2, 2007) (J. Berger).