

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Gary Edward Bahosh,

Debtor

Chapter 13
Case No. 23-10039

ORDER DISMISSING CASE

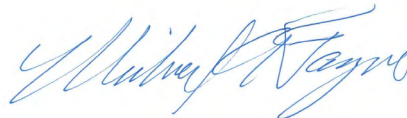
This chapter 13 case was filed in March 2023. The debtor is self-represented. At a hearing on May 4, 2023, the Court denied confirmation of the debtor's plan but granted him leave to file a modified plan within 14 days. In a detailed minute order, the Court explained that if the debtor availed himself of the opportunity to file a modified plan, he was required to (1) propose a facially plausible plan; (2) set the plan for hearing on the first hearing date that would afford parties in interest the requisite notice; and (3) file a certificate of service showing that the plan and notice of hearing were served on the trustee and all creditors. [Dkt. No. 18]. The Court warned that failure to comply with these requirements could result in dismissal of the case and the imposition of a ban on future filings. *Id.* The debtor timely filed a modified plan [Dkt. No. 19], but he neither set it for hearing nor filed a certificate of service. His modified plan is not capable of being confirmed because it does not provide for payment of the prepetition arrears on the mortgage held by U.S. Bank National Association and U.S. Bank does not consent to confirmation.

After the debtor filed the modified plan, the trustee moved for dismissal of the case, citing (among other things) the debtor's noncompliance with the minute order dated May 4, his failure to provide the trustee with a copy of his 2021 federal income tax return as required by 11 U.S.C. § 521(e)(2)(A)(i), and his failure to file a 2020 Maine state income tax return as required

by 11 U.S.C. § 1308(a). [Dkt. No. 22]. In his objection to the trustee's motion, the debtor did not contest any of the trustee's factual allegations but sought an extension of time to address the missing tax returns. [Dkt No. 24]. The debtor appeared at the initial hearing on the motion to dismiss but did not appear at the continued hearing on July 18, 2023.

The trustee's motion is hereby granted. This case is dismissed under 11 U.S.C. §§ 521(e)(2)(B) and 1307(c) and (e). The relief afforded by chapter 13 is broad, but not unlimited. Mortgage arrears may be cured by way of a chapter 13 plan (or by other nonbankruptcy means concurrent with the chapter 13 process), but they may not be ignored. Beyond that, the obligations of debtors under the Bankruptcy Code are rigorous, particularly when it comes to prepetition tax returns. Those obligations were not met in this case, and they should have been.

Date: July 19, 2023



Michael A. Fagone
United States Bankruptcy Judge
District of Maine