

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

In re:

TIMOTHY C. JELUS

INVOLUNTARY  
Case No. 6:12-bk-10649-ABB  
Chapter 7

Debtor.

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**ORDER**

This matter came before the Court on the Debtor's Motion to Dismiss Involuntary Chapter 7 Petition. (DE 10). Creditors German American Capital Corporation ("GACC") and Gibraltar BB2, LLC ("Gibraltar")(together, "Petitioning Creditors") filed a Response in Opposition. (DE 16). A hearing was held on September 19, 2012, and the matter was taken under advisement. The parties were given leave to submit supplemental briefs which they did. (DE 22 and DE 25).

Petitioning Creditors hold judgments against the Debtor and filed the instant involuntary petition on August 3, 2012. Debtor filed a Motion to Dismiss on August 27, 2012.

Bankruptcy Rule 1003(b) Joinder of Petitioners After Filing states:

If the answer to an involuntary petition filed by fewer than three creditors avers the existence of 12 or more creditors, the debtor shall file with the answer a list of all creditors with their addresses, a brief statement of the nature of their claims, and the amounts thereof. If it appears that there are 12 or more creditors as provided in §303(b) of the Code, the court shall afford a reasonable opportunity for other creditors to join in the petition before a hearing is held thereon.

Rule 1003(b) delineates the proper procedure. Debtor must answer the petition.

The Court must then afford a reasonable opportunity for joinder of additional

creditors before a hearing is held on the petition. All other considerations are premature.

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the ruling on the Defendants' Motion to Dismiss Involuntary Chapter 7 Petition (DE 10) is **ABATED**; and it is further

**ORDERED, ADJUDGED and DECREED** that Debtor is directed to file an Answer to the Petition within 14 days of the date of this Order; and it is further

**ORDERED, ADJUDGED and DECREED** that any creditors joining in the petition must do so by November 9, 2012.

Dated this 12<sup>th</sup> day of October, 2012.

/s/ Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge