

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

In re:

DENNIS KEVIN O'DONNELL,

Case No. 6:12-bk-00086-ABB

Chapter 13

Debtor.

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ORDER

This matter came before the Court on the Motion to Transfer Venue (Doc. No. 27) filed by the Chapter 13 Trustee Laurie K. Weatherford requesting this case be transferred to the United States Bankruptcy Court for the Middle District of Florida, Jacksonville Division. A hearing was held on February 14, 2012 at which the Debtor Dennis Kevin O'Donnell, his counsel, the Trustee, Trustee's counsel, and counsel for the creditors Adolfo and Laura Balboa appeared. The Trustee's Motion to Transfer is due to be granted for the reasons set forth herein.

The Debtor filed the above-captioned case on January 4, 2012 ("Petition Date"). He filed a previous Chapter 13 case in the Jacksonville Division on August 12, 2010 captioned *In re Dennis Kevin O'Donnell*, Case No. 3:10-bk-07003-JAF ("Jacksonville Case"). The Debtor resides in Volusia County, Florida and owns several investment properties in Volusia County, which county is within the Jacksonville Division.

United States Bankruptcy Judge Jerry A. Funk was the presiding Judge in the Jacksonville Case. He entered an Order on August 23, 2011 finding "the Debtor is retaining property which is neither income producing nor in any manner an asset to the bankruptcy estate" and denying confirmation on the basis the Debtor was proceeding in

bad faith in violation of 11 U.S.C. Section 1325(a)(7). The Jacksonville Case was dismissed on September 15, 2011 and closed on December 23, 2011.

The Debtor was not domiciled or had a residence or principal place of business, or principal assets in the Orlando Division for the 180 days immediately preceding the Petition Date. There are no bankruptcy cases concerning the Debtor's affiliates, general partners, or partnership pending in the Orlando Division. The Orlando Division is not the proper venue for the Debtor's case pursuant to 28 U.S.C. Section 1408 and Local Rule 1071-1. The proper venue for this case is the Jacksonville Division. Transferring this case to the Jacksonville Division is in the interest of justice pursuant to Federal Rule of Bankruptcy Procedure 1014(a)(2).

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Trustee's Motion to Transfer (Doc. No. 27) is hereby **GRANTED**; and it is further

ORDERED, ADJUDGED and DECREED that the Clerk of Court is hereby directed to transfer the above-captioned case to the United States Bankruptcy Court for the Middle District of Florida, Jacksonville Division pursuant to 28 U.S.C. Section 1408, Federal Rule of Bankruptcy Procedure 1014(a)(2), and Local Rule 1071-1.

Dated this 22nd day of February, 2012.

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