

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

In re:

Case No. 6:08-bk-09510-ABB
Chapter 13

LUIS E. RESTREPO,

Debtor.
_____ /

**ORDERED, ADJUDGED and
DECREED** that the Debtor's Motion to Dismiss
(Doc. No. 6) is hereby **GRANTED** and the
Clerk of Court shall be directed to close this case
upon issuance of the filing fee refund.

Dated this 27th day of January, 2009.

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

ORDER

This matter came before the Court on the Motion to Dismiss (Doc. No. 6) and Motion to Recover Fee (Doc. No. 7) filed by Luis E. Restrepo, the Debtor herein ("Debtor"), seeking dismissal of this case and a refund of the filing fee. An evidentiary hearing was held on November 12, 2008 at which the Debtor, counsel for the Debtor, and Laurie K. Weatherford, the Chapter 13 Trustee, appeared.

The Debtor filed two individual Chapter 13 cases: Case No. 6:08-bk-09137-ABB on October 6, 2008 and the above-captioned case on October 14, 2008. A filing fee of \$274.00 was remitted to the Clerk of Court for each case (Receipt Numbers 13347286 and 13432832, respectively). The above-captioned case is a duplicate filing of Case No. 6:08-bk-09137-ABB and both cases are open.

The above-captioned case is due to be dismissed and the filing fee is due to be refunded. Counsel did not indicate whether he advanced the filing fee or the Debtor paid the filing fee to counsel.

Accordingly, it is

**ORDERED, ADJUDGED and
DECREED** that the Debtor's Motion to Recover Fee (Doc. No. 7) is hereby **GRANTED**; and it is further

**ORDERED, ADJUDGED and
DECREED** that Debtor's counsel is directed to file a statement with the Court within seven (7) days of the date of entry of this Order stating to whom the filing fee refund should be paid; and it is further