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Presentment Date: Dec. 14, 2007
Presentment Time: 12:00 p.m.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

ADOLFINA CRESPO-PEREA,

Case No.: 07-45576-ess

Debtor

Chapter 7

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**NOTICE OF PRESENTMENT OF MOTION FOR AN ORDER CONVERTING
CHAPTER 13 CASE TO CHAPTER 7 CASE**

PLEASE TAKE NOTICE that upon the annexed Motion and Declaration of Adolfinia Crespo-Perea (the “Debtor”), the undersigned will present the attached proposed order to the Honorable Elizabeth S. Stong, United States Bankruptcy Judge, 271 Cadman Plaza, Brooklyn, New York 11201 for signature on December 14, 2007, at 12:00 noon.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the proposed order, with proof of service, is filed with the Clerk of the Court and a courtesy copy is delivered to (1) the Bankruptcy Judge’s chambers, and (2) the undersigned by the presentment date and time, there will not be a hearing and the order may be signed.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely filed, the Court or Debtor will notify the objecting parties of the date and time of the hearing and of the Debtor’s obligation to notify all other parties entitled to receive notice. The Debtor and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

Dated: Dec. 11, 2007
Brooklyn, New York

To: All persons and entities on
annexed Service List

S/ Norma Ortiz
Norma E. Ortiz, Esq. (NO 0748)
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127 Livingston Street
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Tel. (718) 522-1117
Debtor’s Counsel

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

ADOLFINA CRESPO-PEREA,

Case No.: 07-45576-ess

Debtor

Chapter 7
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**MOTION IN SUPPORT OF DEBTOR'S REQUEST TO CONVERT
CHAPTER 7 CASE TO CHAPTER 13 CASE**

Norma E. Ortiz, a partner of Ortiz & Ortiz, L.L.P., counsel for the above-captioned debtor, hereby states as follows:

1. The above-captioned debtor filed a chapter 7 bankruptcy case with a petition-preparer on October 15, 2007. Since the debtor sought to utilize the case to reorganize her affairs, the case should have been filed as a chapter 13 case.
2. On December 5, 2007, the debtor filed a Declaration seeking to convert her case to a chapter 7 case under 11 U.S.C. § 706(a). A copy of the Declaration is annexed.
3. On December 6, 2007, the debtor attended the hearings on the motions filed by U.S. Bank, Deutsche Bank, and Option One Mortgage Co. to lift the automatic stay. Deutsche Bank and Option One agreed to enter into a conditional order that settled their motions. U.S. Bank's motion was adjourned to January 22, 2008.
4. At the December 6th hearing, the Court directed the Debtor to settle the annexed order on five days notice to all creditors and parties in interest.
5. For the reasons stated in the annexed Declaration, the Debtor hereby exercises her right to convert her chapter 7 case to a chapter 13 case under Section 706(a). The debtor

DECLARATION

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

ADOLFINA CRESPO-PEREA,

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DECLARATION OF DEBTOR

1. I am the above captioned debtor. I used the services of a non-lawyer to file a bankruptcy petition on October 15, 2007, to try to save two homes I own that were subject to foreclosure actions. After the case was filed, I learned that the petition preparer commenced the wrong bankruptcy case on my behalf. He should have filed a chapter thirteen (13) case instead of a chapter seven (7) case.

2. My residence, located at 171-05 119th Ave., Jamaica, New York (“Home”), and my investment property, located at 153-16 109th Dr., Jamaica, New York (“109th Drive”), are both held in my name. Both properties are two family homes. However, I have been informed, and confirmed upon closer inspection, that the petition preparer listed my daughter as the owner. That is not correct, and Schedule A will be amended.

3. I fell behind on the mortgages on both properties because of non-paying tenants. For example, my former tenant in 109th Drive failed to pay me rent for ten months. It cost me \$10,000 in legal fees to finally get her evicted. Moreover, she destroyed the property before she left. It was a horrible economic set back. The former tenant that occupied my Home similarly did not pay me rent for 10 months. However, in her case, the builder performed such shoddy workmanship, we had no heat for weeks and her apartment suffered numerous leaks. But once I paid to rectify these problems, she still failed to pay me the rent that was due and disappeared.

To add insult to injury, my granddaughter suffered a life-threatening illness that caused my daughter and I to incur substantial expenses. But for these setbacks, we would not have been placed in this economic position.

4. I have a lawsuit pending against the builder of my home for, among other things, breach of contract. I have spent in excess of \$48,000 to make my home liveable and lost significant rental income because of the defective condition of the property. When I realized the error in filing a chapter 7 case, the attorney that represents me in that lawsuit, Cesar Cardona, attempted to assist me. He recently referred me to Ortiz & Ortiz, L.L.P. (“Counsel”) The firm was formerly retained today, December 5, 2007.

5. My husband is employed by the post office and pays all of my personal expenses. All of the rental income and the income I earn from my business, including the salary I earn, is available to pay towards a chapter 13 plan.

6. I request that the Court grant my request to convert my chapter 7 case to a chapter 13 case and extend the automatic stay to permit me to cure the mortgage arrears on my Home. Counsel will file a plan that proposes to cure the mortgage arrears.

I declare under the penalty of perjury that the foregoing is accurate and true.

Brooklyn, New York
December 5, 2007

S/Adolfina Crespo-Perea
ADOLFINA CRESPO-PEREA

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re

ADOLFINA CRESPO-PEREA,

Case No.: 07-45576-ess

Debtor

Chapter 7

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**ORDER GRANTING REQUEST TO CONVERT
CHAPTER 7 CASE TO CHAPTER 13 CASE**

Upon the Motion and Declaration of the Debtor requesting that the Court convert her chapter 7 case to a chapter 13 case pursuant to 11 U.S.C. § 706(a); notice of the debtor's request having been served on all of the debtor's creditors, the Chapter 7 trustee, and the U.S. Trustee by Notice of Presentment; no objection to the order having been filed with the Court; proper notice having been given, and cause existing for the relief requested, it is hereby

ORDERED, that the Debtor's request is granted; and it is further

ORDERED, that the chapter 7 case commenced by the Debtor is hereby converted to a chapter 13 case pursuant to 11 U.S.C. § 706(a).

Dated: Brooklyn, New York
2007

ELIZABETH S. STONG
U.S. BANKRUPTCY JUDGE