UNITED STATES BANKRUPTCY COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

IN RE:

KAMIL MIARKA,	*	CASE N0. 15-01228
Debtor.	*	CHAPTER 11

ORDER

This matter came before the court on January 5, 2016, on Movant Janely Miarkas's Motion to Dismiss pursuant to 11 U.S.C. § 1112. Attorney Chris Kern and attorney Mark Ryan appeared on behalf of the debtor. Attorney Larry Voit appeared on behalf of Blackburne & Sons Real Estate Capital Corp. Ms. Miarka appeared *pro se.*

This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§ 1334 and 157, and the order of reference of the District Court. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B), and the Court has authority to enter a final order.

The Court has issued an Oral Ruling on this matter and the Findings of Fact and Conclusions of Law contained therein are incorporated herein by reference.

The Court has considered the testimony and exhibits presented at the hearing, reviewed the pleadings and the exhibits related thereto, and has reviewed the entire record of this case. The Court hereby finds that dismissal is in the best interests of creditors and the estate, and Movant's Motion to Dismiss is due to be granted for cause pursuant to Sections 1112(b)(4)(A) and (E) of the Bankruptcy Code. In the alternative, the Court finds that the doctrine of abstention under 11 U.S.C. 305(a) is warranted, as the matter at hand is a two-party dispute which overwhelmingly involves state law, and the Domestic Relations Court is better suited to decide.

IT IS HEREBY ORDERED, ADJUDGED, & DECREED, that this case is dismissed effectively immediately, and that there shall be a 90 day injunction on refiling.

The Court specifically retains jurisdiction over the adversary proceeding, Kamil Miarka v. Joshua G. Kesling, et. al., Adversary Number 15-00118, pending before this Court.

Dated: January 7, 2016

JERRY C. OLDSHUE, JR.
U.S. BANKRUPTCY JUDGE

Form ntcdsm

UNITED STATES BANKRUPTCY COURT

Southern District of Alabama

Case No.: 15−01228
Chapter: 11

In Re: Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):
Kamil Miarka
Post Office Box 753
Gulf Shores, AL 36547

Social Security / Individual Taxpayer ID No.:
xxx−xx−2920

Employer Tax ID / Other nos.:

NOTICE OF DISMISSAL

You are hereby notified that an Order Dismissing the above case was entered on 1/7/16.

Dated: 1/7/16

LEONARD N. MALDONADO
Clerk, U.S. Bankruptcy Court

FM
Deputy Clerk Initials