



**SO ORDERED.**

**SIGNED this 3rd day of October, 2017.**

*Dale L. Somers*

Dale L. Somers  
United States Bankruptcy Judge

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**THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

**In re:**

**LENEXA HOTEL, L.P.,**

**DEBTOR.**

**CASE NO. 16-22172  
CHAPTER 11**

**OPINION AND JUDGMENT GRANTING DEBTOR'S MOTION TO DISMISS  
AND DENYING HOLIDAY HOSPITALITY FRANCHISING, LLC'S  
MOTION TO CONVERT TO CHAPTER 7**

This Opinion and Judgment addresses Debtor's Motion to Dismiss Chapter 11 Case and Close Case (doc. 155) and Motion of Holiday Hospitality Franchising, LLC (HHF) to Convert Debtor's Case to Chapter 7 (doc. 165).

This Court has jurisdiction pursuant to 28 U.S.C. § 157(a) and §§ 1334(a) and (b) and the Amended Standing Order of Reference of the United States District Court for the District of Kansas that exercised authority conferred by § 157(a) to refer to the District's

Bankruptcy judges all matters under the Bankruptcy Code and all proceedings arising under the Code or arising in or related to a case under the Code, effective June 24, 2013. D. Kan. Standing Order No. 13-1, *printed in* D. Kan. Rules of Practice and Procedure at 168 (March 2016). A motion to dismiss and a motion to convert are core proceedings which this Court may hear and determine as provided in 28 U.S.C. § 157(b)(2)(A). There is no objection to venue or jurisdiction over the parties.

The Debtor and HHF filed briefs in opposition to the other's motion. The United States Trustee did not respond in writing. Oral arguments by the Debtor, HHF, CoreFirst Bank, and the United States Trustee were heard on September 8, 2017. CoreFirst supported Debtor's motion to dismiss. The United States Trustee also supported dismissal. There was no request for discovery or an evidentiary hearing. At the close of the hearing, the parties and the United States Trustee were granted leave to file additional briefs, due within seven days and not to exceed six pages in length. Such briefs were filed by Debtor, HHF, and CoreFirst.

After considering the record, the motions, the responses, the arguments, and the supplemental briefs, on September 29, 2017, with the parties present by telephone appearances of their counsel, the Court in open court announced its decision by stating on the record its Findings of Fact and Conclusions of Law,<sup>1</sup> which are incorporated herein by this reference. After having evaluated the factors supporting the alternatives of dismissal

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<sup>1</sup> In the event this ruling is appealed, the Court reserved the right to make technical corrections to the oral ruling as transcribed, but not to amend its findings of fact or conclusions of law.

and conversion, the Court determined that dismissal is in the best interest of the estate and creditors.

The foregoing constitute Findings of Fact and Conclusions of Law under Rules 7052 and 9014(c) of the Federal Rules of Bankruptcy Procedure which make Rule 52(a) of the Federal Rules of Civil Procedure applicable to this matter.

**JUDGMENT.**

Judgment is hereby entered granting the Debtor's motion to dismiss the case and denying HHF's motion to convert the case to Chapter 7. The case is hereby dismissed. The judgment based on this ruling will become effective 14 days after it is entered on the docket for this case.

**IT IS SO ORDERED.**

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