

**IN RE: ASDRUBAL JOSE and LOURDES JOSEFA PARADA, Debtors.
07-15938-BKC-LMI**

The only factors the court may consider under the totality of the circumstances test are those relating to the debtor's financial condition. In its assessment, the court may consider relevant post-petition events up to the time of the hearing on the motion to dismiss.

Payments made for assets intended by the debtor to be surrendered and voluntary 401(k) contributions may be excluded under the totality of the circumstances test.