

In Re Thomas O'Connell

Case No. 04-35264-BKC-SHF

Opinion entered: December 14, 2005

MEMORANDUM OPINION DISMISSING CASE DUE TO IMPROPER VENUE

Motion by Creditor, National Union Fire Insurance Company of Pittsburgh, P. A., to Dismiss Chapter 7 Case as Filed in Improper District(C. P. 47)

The Debtor testified, at the 341 meeting of creditors, that prior to moving to the referenced Jupiter, Florida address as listed in his schedules, he resided at 4801 Bethel Creek Drive, Vero Beach, Florida. . The Debtor further testified that he had lived at the Jupiter address, and prior thereto, at the Vero Beach address, on a part-time basis, during the 2½ years immediately preceding the petition date.

Of the 180 days immediately preceding the Debtor's filing of his chapter 7 petition on November 16, 2004, he resided a maximum of 46 days in the Southern District of Florida. He spent the majority of the 180-day period immediately preceding the petition date in the home formerly owned by his mother in Harwich, Massachusetts, and at the residence maintained by his wife in Chula Vista, California. The Debtor utilized the Chula Vista location as his residence for purposes of filing tax returns and receiving correspondence. Although reasonable minds may differ as to the exact location of the Debtor's domicile during the 180 days immediately preceding the commencement of this case, it is clear that the Debtor's domicile **was not located** within the Southern District of Florida.

Held: **ORDERED** that the **Motion to Dismiss is granted with prejudice** to the filing of a subsequent bankruptcy case within the Southern District of Florida for a 180-day period.