6-29/118.10 Chapter 7 Conversion

The debtor has a one-time, absolute right to convert a Chapter 7 to a Chapter 11, 12 or 13 if the case has not been previously converted. (11 USC 706(a)) Following a noticed motion, a Chapter 7 case may also be converted to a Chapter 11 at the request of a party in interest. (11 USC 706(b); FRBP 9014, 1017(d))

The court may not convert a Chapter 7 case to a Chapter 13 unless requested by the debtor. (11 USC 706(c)) If a Chapter 7 is converted to Chapter 13, the property of the estate is turned over to the debtor rather than the Chapter 13 trustee because the debtor remains in possession of all property of the estate in a Chapter 13. (11 USC 1306(b))