

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-11991

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
APRIL 20, 2011
JOHN LEY
CLERK

D.C. Docket No. 3:09-cv-00036-DHB-WLB
Bkey No. 03-30161-BKC-SDB

IN RE:

KENNETH RUFORD ALLAN,

Debtor.

ROBERT SHUMAN, Dr.,
ALLAN & HARPER CUSTOM HOMES, LLC,

Plaintiffs - Appellants,

versus

KENNETH RUFORD ALLAN,

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Georgia

(April 20, 2011)

Before WILSON and PRYOR, Circuit Judges, and BUCKLEW,^{*} District Judge.

PER CURIAM:

This case involves a dispute between a Chapter 13 bankruptcy debtor and his creditors about the failure to disclose certain assets and transactions, post-confirmation. During the pendency of his bankruptcy, Kenneth Ruford Allan engaged in various financial transactions and became the beneficiary of an irrevocable spendthrift trust, which he failed to disclose to the bankruptcy court. Two of Allan's unsecured creditors present two issues on appeal, namely (1) whether the bankruptcy court erred in denying the creditors' motion to modify Allan's bankruptcy plan, and (2) whether the bankruptcy court abused its discretion in denying the creditors' motion to dismiss on the grounds that Allan did not act in bad faith in failing to disclose the post-confirmation transactions and Trust.

After oral argument and careful consideration, we conclude that the bankruptcy court did not err in denying the creditors' motion to modify Allan's bankruptcy plan and did not abuse its discretion in denying the creditors' motion to dismiss Allan's bankruptcy petition. Accordingly, we affirm.

^{*}Honorable Susan C. Bucklew, United States District Judge for the Middle District of Florida, sitting by designation.

AFFIRMED.