



SO ORDERED.

SIGNED this 13 day of September, 2005.


LARRY E. KELLY
UNITED STATES CHIEF BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IN RE: §
§
DWAYNE C. LECLERC AND § **CASE NO. 04-62531-LEK**
TERESA A. LECLERC, §
Debtor. § **Chapter 7**

RICHARD W. SIMMONS, §
UNITED STATES TRUSTEE, §
Plaintiff, §
§
v. § **ADVERSARY NO. 05-6003**
§
DWAYNE C. LECLERC AND §
TERESA A. LECLERC, §
Defendants. §

JUDGMENT DENYING DISCHARGE OF DEBTORS

On September 6, 2005, the Court held a trial on the merits of the above styled and referenced adversary proceeding. In this complaint, the Plaintiff Richard W. Simmons, United States Trustee, seeks to deny the entry of discharge pursuant to 11 U.S.C. §§ 727(a)(2)(A) and (a)(4)(A) for both Defendant Debtors. Dwayne C. Leclerc and Teresa A. Leclerc.

The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 1334 and 11 U.S.C. §§ 727(a)(2)(A) and (a)(4)(A). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(J). At the hearing on September 6, 2005, the Court also heard the United States Trustee's motion to dismiss the Debtors' chapter 7 bankruptcy case with prejudice.

After considering the evidence and arguments of counsel, the Court orally dictated findings of fact and conclusions of law into the record at the trial held on September 6, 2005. Those findings of fact and conclusions of law are incorporated herein pursuant to Bankruptcy Rule 7052. Based thereon, the Court finds that the Plaintiff submitted competent and objective evidence which meets all required factors of 11 U.S.C. § 727(a)(4)(A), specifically, that in connection with the Debtors' bankruptcy case number 04-62531, the Debtors knowingly and fraudulently made a false oath regarding income that they had received prior to filing this bankruptcy case, case number 04-62531. It is therefore

ORDERED that the Defendant Debtors are denied a discharge pursuant to 11 U.S.C. § 727(a)(4)(A); it is further

ORDERED that all other relief requested is denied without prejudice

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