

1 JUDGE HERB ROSS (Recalled)

2 UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ALASKA  
3 605 West 4th Avenue, Room 138, Anchorage, AK 99501-2253 — (Website: www.akb.uscourts.gov)  
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5  
6 **Filed On**  
7 **9/7/11**

8  
9 In re  
10 THE MARTHA REYNOLDS TRUST,  
11  
12 Debtor(s)

Case No. A11-00616-HAR  
In Chapter 11

**MEMORANDUM ABOUT DEBTOR'S  
ELIGIBILITY TO BE A CHAPTER 12  
DEBTOR**

13 Debtor's attorney alluded to the possibility of conversion to a case under chapter 12 in his  
14 argument and response brief (Docket No. 25, page 4) to the US Trustee's motion to dismiss  
15 (Docket No. 8). Although it would not have changed the court's decision about dismissing this  
16 case even if debtor qualified to be a chapter 12 debtor, I do not think it would qualify as a "family  
17 fisherman."

18 To qualify, debtor would have to be conducting a "commercial fishing operation." 11 USC  
19 § 109(A)(B). "Commercial fishing operation" is a defined term under 11 USC § 101(7A):

20 (7A) The term "commercial fishing operation" means--

21 (A) the catching or harvesting of fish, shrimp, lobsters, urchins,  
22 seaweed, shellfish, or other aquatic species or products of such  
species; or

23 (B) for purposes of section 109 and chapter 12, aquaculture activities  
24 consisting of raising for market any species or product described in  
subparagraph (A).

25 What debtor describes in its response is more like a "sport fishing" charter operation, than a  
26 "commercial fishing operation." (Docket No. 25, ¶ 1).

