

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)
)
JUAN GALVAN)
)
Debtor)
)

CHAPTER 13
CASE NO. 04-90190

MIDLAND MORTGAGE COMPANY)
)
Movant)
)
v.)
)
JUAN GALVAN)
ROSA MARIE GALVAN)
)
Respondents)

CONTESTED MATTER
ORDER

On February 12, 2004, hearing was held on the motion of MidFirst Bank for relief from the automatic stay of 11 U.S.C. §362. The attorney for Debtor, **Tanya Mitchell Graham**, failed to appear, failed to notify the court of her intention not to appear, and failed to obtain a continuance. During the course of the hearing, several other issues regarding deficiencies in Ms. Graham's representation arose. First, when this case was filed, Ms. Graham filed for Debtor an application to pay the filing fee in installments, but testimony showed that Ms. Graham received a fee to act as Debtor's attorney. Pursuant to Bankruptcy Rule 1006(b)(3), the filing fee must be paid in full *before* any professional receives any compensation.

Second, Ms. Graham filed this petition for a person whom she knew to be dead at the time the

petition was filed. The estate of a deceased person is not eligible to be a debtor under Title 11. *In re Goerg*, 844 F. 2d 1564 (11th Cir. 1988), *cert. denied*, 488 U.S. 1034, 109 S.Ct. 850, 102 L.Ed.2d 981 (1989). Testimony at the hearing also showed that Ms. Graham requested a relative of Debtor to forge Debtor's signature on documents filed with the petition, and it appears that Ms. Graham herself may have forged Debtor's name on the petition and other documents filed with the petition.

Accordingly, it is hereby

ORDERED that **Tanya Mitchell Graham** shall appear at _____m. on the _____ day of _____, 2004, in Courtroom 1204, U. S. Courthouse, 75 Spring Street, S.W., Atlanta, Georgia to show cause why she should not be sanctioned or disciplined, pursuant to the principles described in *Glatter v. Mroz*, 65 F. 3d 1567 (11th Cir. 1995); or pursuant to 11 U.S.C. §105. Sanctions which may be imposed include the following:

- < a reprimand;
- < mandatory continuing legal education;
- < monetary sanctions;
- < reference to the appropriate attorney discipline authority including the State Bar of Georgia; or
- < suspension or disbarment from practicing before this court;

IT IS SO ORDERED, this the ____ day of February, 2004.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE