

5-14-04

UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF GEORGIA  
 ATLANTA DIVISION

IN RE: : CASE NO. 03-60016  
 :  
 CARLA RENEE COTTON, : CHAPTER 13  
 :  
 Debtor. : JUDGE MASSEY  
 :

ORDER ON MOTION TO ALLOW PROOF OF CLAIM FILED AFTER BAR DATE

"A claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest, including a creditor of a general partner in a partnership that is a debtor in a case under chapter 7 of this title, objects." 11 U.S.C. § 502(a). J.D. Kinders Furniture Showroom moves for an order allowing its late-filed claim. The motion is unnecessary because it is already allowed pursuant to section 502(a). To the extent that the motion was interposed to prevent the Debtor or any other party in interest from objecting to the claim on the ground that it was filed late, it would be tantamount to a motion to deem the claim timely, but the Court has no authority to declare a late claim not late, at least based on the facts alleged in the motion.

Accordingly, it is

ORDERED that J.D. Kinders Furniture Showroom's Motion to Allow Proof of Claim after Bar Date is DENIED as unnecessary. There being no objection to the claim, the Trustee should pay it in accordance with the plan confirmed in this case.

This 13th day of May 2004.

  
 JAMES E. MASSEY  
 U.S. BANKRUPTCY JUDGE

DISTRIBUTION LIST

Emmett L. Goodman, Jr.  
544 Mulberry Street, Suite 800  
Macon, GA 31201-2776

Nancy J. Whaley, Esq.  
Chapter 13 Trustee  
Suite 120  
303 Peachtree Center Avenue  
Atlanta, GA 30303

E. L. Clark, Esq.  
Clark & Washington, P.C.  
3300 NE Expressway  
Building 3, Suite A  
Atlanta, GA 30341

Carla Renee Cotton  
7503 Danielle Court  
Jonesboro, GA 30236