

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:
	: CASE NO. 01-71678-JB
CAROL NORTH SUMNER,	:
	:
	: CHAPTER 7
Debtor.	:

ORDER

This case is before the Court on Debtor's motion to reopen a Chapter 7 case to add an asset omitted from Debtor's schedules. The motion was filed by counsel Rob Rickman, and the asset is a claim for \$21,250.00 against Ms. Sumner's ex-husband, John B. Sumner, which is currently being litigated in the Superior Court of Bartow County. Mr. Sumner had filed an objection to Debtor's motion to reopen the bankruptcy case through counsel, R.T. Gordon. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

The motion to reopen and objection were initially scheduled for a hearing on May 24, 2006. At that hearing, Stanley Kakol represented Ms. Sumner in place of Mr. Rickman, and Messrs. Gordon and Sumner were also present. After hearing from counsel on May 24, 2006, the Court directed counsel and the parties to meet with Martha Miller, the previously appointed Chapter 7 Trustee in this case, so that the Trustee could evaluate whether there was any value for creditors in the marital claim. The Court requested Ms. Miller to file a response and scheduled a continued hearing on the matter for June 5, 2006. On May 30, 2005, the Trustee filed a response, opposing the motion to reopen the case and stating that the bankruptcy administration of this obligation would be burdensome to the estate.

At the hearing on June 5, 2006, the Trustee was present as were Messrs. Sumner and Gordon. However, Debtor and her attorney failed to appear. After reviewing the Chapter 7 Trustee's response, it appears that administration of the previously unlisted marital claim would be unduly burdensome and not benefit creditors of the estate. Accordingly, it is

ORDERED that Debtor's motion to reopen the case is denied.

IT IS SO ORDERED, this 7th day of June, 2006.


JOYCE BIHARY
UNITED STATES BANKRUPTCY JUDGE

In re: Carol North Sumner
Case No.: 01-71678-jb

DISTRIBUTION LIST

Carol North Sumner
217 West Slope Way
Canton, GA 30115

Rob Rickman
Leonard & Rickman, PC
271 Roswell Street
Marietta, GA 30060

Martha A. Miller
Martha A. Miller, PC
229 Peachtree Street, NE
Suite 2415
Atlanta, GA 30303

R. T. Gordon
Shriver & Gordon, PC
301 Creekstone Ridge
Woodstock, GA 30188