

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 7
)
IRVING ODELL HARRIS) CASE NO. 05-66166-MHM
)
Debtor)

**ORDER EXTENDING TIME FOR
OBJECTION TO DISCHARGE OR DISCHARGEABILITY**

This case commenced April 1, 2005, and the bar date for objections to discharge or to determine dischargeability was set for July 11, 2005. On June 29, 2005, Debtor filed an amendment to add Elizabeth Harris as a creditor. On July 28, 2005, Ms. Harris filed an objection to having been added as a creditor. Ms. Harris alleges that Debtor improperly retained her security deposit and she did not receive notice of this case until July 15, 2005.

The myth of creditor selectivity is untrue. Pursuant to 11 U.S.C. §521 and Bankruptcy Rule 1007, a debtor must file Schedules disclosing financial information fully, completely, accurately and honestly. A debtor may not pick and choose which assets and liabilities to disclose.¹ *Poolquip-McNeme, Inc. v Hubbard*, 96 B.R. 739 (Bankr. W.D. Tex. 1989).

The bankruptcy schedules and statement of affairs do not ask the debtor to make an assessment of what he thinks are important assets or debts. Debtor must, under oath, list all creditors and assets, as well as all transfers of property within the prior year.

Superior National Bank v. Schroff, 156 B.R. 250, 256 (Bankr. W.D. Mo. 1993). Additionally, the omission of a creditor from a debtor's schedules may not affect whether the claim is discharged.

¹Pursuant to 11 U.S.C. §524, a debtor, particularly in Ch. 7, may voluntarily pay any debt after obtaining a discharge.

See Keenom v. All American Marketing, 231 B.R. 116, 121 fn 5 (Bankr. M.D. Ga. 1999) (J. Walker); *In re Cheely*, 280 B.R. 763 (Bankr. M.D. Ga. 2002); *Beezley v. California Land Title Company*, 994 F. 2d 1433 (9th Cir. 1993); and *In re Mendiola*, 99 B.R. 864 (Bankr. N.D. Ill. 1989). Bankruptcy Rule 1009 grants debtors the general right to amend at any time before the case is closed. Therefore, no grounds exist to deny Debtor the right to amend to add Ms. Harris as a creditor.

Nevertheless, filing the amendment to add Ms. Harris as a creditor so close in time to the expiration of the bar date could work to unfairly deprive Ms. Harris of her rights under the Bankruptcy Code and due process. An extension of time for Ms. Harris to file an objection to Debtor's discharge under §727 or to seek a determination that her claim against Debtor is nondischargeable is appropriate. Accordingly, it is hereby

ORDERED that the time within which Elizabeth Harris may file an adversary proceeding to object to Debtor's discharge under §727 or to determine the dischargeability of her claim under §523(a)(2), (4) or (6) is extended to 60 days from the date of entry of this order.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, Debtor's attorney, the Chapter 7 Trustee, and all creditors and parties in interest.

IT IS SO ORDERED, this the 6th day of September, 2005.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE