

ENTERED ON
MAY 14 2007
DOCKET

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
AHMED SARFRAZ,) CASE NO. 07-67117-MHM
)
Debtor.)

DISMISSAL ORDER

On May 1, 2007, a petition was filed on behalf of Ahmed Sarfraz by Margaret Keita. On Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement, the signature does not appear to be Debtor's. On the Notice to Individual Consumer Debtor Under §342(b) of the Bankruptcy Code, Margaret Keita signs her own name on the line for Signature of Debtor. Similarly, the *Pro Se* Affidavit and the Application to Pay Filing Fee in Installments are signed by Margaret Keita. The creditor list filed with the skeletal petition (filed without Schedules¹) contained only a single creditor and failed to provide an address for that creditor. Exhibit D and the *Pro Se* Affidavit contain the designation that they are signed under penalty of perjury.

The petition was also accompanied by a document entitled "Power of Attorney," which was signed by Margaret Keita and "Sarfraz, Ahmed"² and purports to convey from

¹ Bankruptcy Rule 1007(b) requires a debtor to file schedules of assets and liabilities, a schedule of current income and expenditures, a schedule of executory contracts and unexpired leases, and a statement of financial affairs (the "Schedules").

² Throughout the documents filed for Debtor, Debtor's name appears last name first, even on signature lines, such as that on the "Power of Attorney."

Ahmed Sarfraz to Margaret Keita a limited power “to exercise all necessary legal rights on behalf of Ahmed Sarfraz relating to the financial matters of the property on 1614 Imperial Court Norcross, Georgia, 30093, including the home equity line of credit account number 0647551464, tax, and insurance of this property during the term of this Limited Power of Attorney.” Interestingly, the “Power of Attorney” provides that it may be terminated only by Margaret Keita. The signature of “Sarfraz, Ahmed” on the bankruptcy petition does not appear to be the same signature for “Sarfraz, Ahmed” or other documents filed.

Bankruptcy Rule 9011 provides:

a. Signing of papers

Every petition, pleading, written motion, and other paper, except a list, schedule, or statement, or amendments thereto, shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign all papers. Each paper shall state the signer's address and telephone number, if any. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.

Conveyance upon an individual of a power of attorney does not constitute that individual an “attorney” within the meaning of Bankruptcy Rule 9011. Only an attorney licensed by the State Bar of Georgia or licensed in another state and permitted under the local rules to practice in a particular case, BLR 9010-2, may represent another party in this court.

Additionally, an individual holding a power of attorney may not sign a document for another individual under penalty of perjury. *In Re Harrison*, 158 B.R. 246

(Bankr.M.D.Fla. 1993):

Debtor may not authorize by a power of attorney the execution of the documents required by F.R.B.P. 1007(b)(1)&(2), let alone verify under penalty of perjury that the facts stated in the documents submitted are true and correct without running afoul of F.R.B.P. 9011.

The *Harrison* court dismissed the bankruptcy petition, concluding that the signature was nothing more than a forgery rendering the bankruptcy petition a nullity. *Accord In re Brown*, 163 B.R. 596 (Bankr. N.D. Fla. 1993)(Killian, J.). *See also In re King*, 234 B.R. 515 (Bankr. N.M. 1999) (Petition filed by the debtor's son, who had been appointed the debtor's permanent conservator, was dismissed). Accordingly, it is hereby

ORDERED that the power of attorney filed with Debtor's petition is ***stricken***. It is further

ORDERED that, within 14 days of the date of entry of this order, **Debtor must appear** before the Clerk, U.S. Bankruptcy Court, or her designee, with a government identification card containing his picture **and must file** the following documents:

(1) containing his original signature:

- the bankruptcy petition;
- Exhibit D - Individual Debtor's Statement of Compliance with Credit Counseling Requirement;
- Notice to Individual Consumer Debtor Under §342(b) of the Bankruptcy Code;
- Pro Se Affidavit; and
- The Application to Pay Filing Fee in Installments.

and (2) an amended Creditors' matrix showing al the service addresses for creditor Washington Mutual.

If Debtor fails to comply within the time allowed, this case shall stand
DISMISSED.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor at both his mailing address and street address, and to serve Margaret Keita as well as all creditors and parties in interest.

IT IS SO ORDERED, this the 11th day of May, 2007.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE