

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
CHRISTOPHER BRIAN CLAUS,) CASE NO. 07-21431 JPK
) Chapter 7
Debtor.)

ORDER DENYING MOTION TO TRANSFER CASE

On July 6, 2007, counsel for the debtor filed a Motion to Transfer Case. This motion, premised upon Fed.R.Bankr.P. 1014(a)(1), states that the debtor – who resided in Porter County, Indiana on the date of the filing of the petition – actually resided in Jasper County, Indiana for a greater portion of the six months preceding the filing of the petition than he resided in Porter County. Thus, technically the filing of this case should have been made in the United States Bankruptcy Court for the Northern District of Indiana, Hammond Division at Lafayette, as provided by N.D.Ind.L.B.R. B-5005-3(a).

It is first to be noted that Fed.R.Bankr.P. 1014(a)(1) has no applicability to the request made by the debtor: the petition was filed in the proper District, i.e., the United States Bankruptcy Court for the Northern District of Indiana. Thus, the issue is not one of proper venue for the case, but one of proper filing of the case pursuant to a local rule adopted by the Court for administrative purposes. As such, the Court may choose to enforce or not to enforce the provisions of that rule. In this case, the petition was filed on June 7, 2007; it was assigned to the undersigned as Judge upon its filing; the § 341 notice was issued on June 11, 2007; and the first meeting of creditors was set for July 11, 2007 in Hammond. All of the foregoing having been accomplished, there is nothing administratively to be advanced by transferring the case now to the Lafayette Division, and the Court declines to do so. The debtor chose to file the case in Hammond, and thus it could not have been too apparently inconvenient to do so, as the debtor and his counsel assumed all proceedings would be conducted in Hammond.

Under the foregoing circumstances, the Court finds that the motion should be denied.

IT IS ORDERED that the Motion to Transfer Case filed on July 6, 2007, is denied.

Dated at Hammond, Indiana on July 19, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee