

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
JOHN WILLIAM DAVIS) CASE NO. 05-11690
FLOSSIE DAVIS)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on May 6, 2005

On May 2, 2005, a creditor of the debtors, Graber’s Well Drilling, acting through its counsel, Theora Ohaneson, filed a schedule F in this chapter 7 case. This filing is contrary to both the Federal Rules of Bankruptcy Procedure and the local rules of this court. Insofar as local rules are concerned, they require that:

any attorney representing a party in interest . . . shall first file a formal written appearance clearly identifying the party or parties such attorney is representing, and the name, address, telephone number and bar identification number of the attorney or attorneys filing it. The appearance must be filed as a separate document and may not be incorporated into any other pleading, motion, or other request. N.D.Ind.L.B.R.9010-2(a).

Prior to submitting the schedule F, Ms. Ohaneson had not filed an appearance in this case and the cover letter accompanying her submission clearly was not intended to constitute a formal written appearance and does not qualify as one. More fundamental than the failure to comply with the local rules of this court is the submission’s failure to comply with the Federal Rules of Bankruptcy Procedure. Nothing in the Bankruptcy Code or the applicable rules of procedure authorizes a creditor to file bankruptcy schedules. It is the debtor who is responsible for filing the lists, statements and schedules required. See, Fed.R.Bankr.P.Rule 1007. Consequently, there is no

authority under either the Bankruptcy Code or the applicable rules of procedure, for the filing of May 2, 2005.

IT IS THEREFORE ORDERED that the schedule F filed on May 2, 2005 by Graber's Well Drilling is STRICKEN.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court