

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
ADRIENNE J RIAS-DAVIS, ) CASE NO. 07-21437 JPK  
) Chapter 7  
Debtor. )

ORDER SCHEDULING HEARING REGARDING CASE

This Chapter 7 case originated as a case under Chapter 13. Pursuant to the Court's order converting the case from Chapter 13 to Chapter 7 entered on November 7, 2007, the debtor was to file a schedule of unpaid debts incurred after the commencement of the Chapter 13 case pursuant to Fed.R.Bankr.P. 1019(5)(B)(i) within 30 days of the date of entry of that order. The record in this case establishes that the debtor has failed to comply with that order.

By Notice entered on November 7, 2007, a § 341 meeting was scheduled in the debtor's Chapter 7 case for December 5, 2007 at 8:30 A.M. The Chapter 7 Trustee filed a motion to dismiss the case on December 6, 2007, and at the hearing on that motion held on January 11, 2008, the Trustee advised that neither the debtor nor her counsel Bryan K. Bullock appeared at the December 5, 2007 § 341 meeting. Attorney Bullock also did not appear at the January 11, 2008 hearing on the Trustee's motion to dismiss; the debtor did appear at that hearing, however. The record discloses that Attorney Bryan K. Bullock initiated this case as counsel for the debtor and has not withdrawn his appearance. The contract for legal services filed with the Court on July 18, 2007 states that Attorney Bullock's responsibilities as counsel for the debtor include that he "(a)ttend any and all hearings scheduled in connection with your [the debtor's] case". The Court deems that the § 341 meeting set for December 5, 2007 and the hearing on the Trustee's motion to dismiss held on January 11, 2008 constitute hearing scheduled in connection with the debtor's case, and that both the debtor and the Trustee – and also the Court, incidentally – could

reasonably expect Attorney Bullock to personally appear at both of those scheduled matters.

The schedule of unpaid debts required by Fed.R.Bankr.P. 1019(5)(B)(i) is a document separate from schedules or amended schedules. The purpose of this document is to provide the Court – particularly the Clerk’s Office – with a list which specifically and exclusively designates only those debts incurred after the filing of the chapter 13 petition and before conversion of the case to chapter 7. This separately designated list allows the clerk’s office to easily add the additional creditors on this list to the matrix of creditors to whom notice of the case must be provided – a function not easily satisfied by amended schedules. This schedule should be filed as a document which includes the caption of the case, is titled “Schedule of Unpaid Debts”, and which designates, in separate columns in the manner of Schedule F, the name and address of each holder of the claim; the date each claim was incurred and the consideration for the claim; and the amount of each claim. **IF NO DEBTS WERE INCURRED AFTER THE FILING OF THE CHAPTER 13 PETITION, IT IS STILL NECESSARY TO FILE A DOCUMENT WHICH STATES THAT FACT IN LIEU OF THE SCHEDULE OF UNPAID DEBTS.**

IT IS ORDERED that a hearing will be held on **February 8, 2008, at 11:00 A.M.** at which Attorney Bryan K. Bullock shall personally appear before the Court to explain to both the Chapter 7 Trustee and the Court why, in light of the provisions of his contract of employment with the debtor, he failed to attend the § 341 meeting held on December 5, 2007 and the hearing on the Trustee’s motion to dismiss held on January 11, 2008. The Court assumes that by the date of the hearing, the required schedule of unpaid debts will have been filed in proper form.

Dated at Hammond, Indiana on January 15, 2008.

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

Distribution:

Debtor, Attorney for Debtor, Trustee, US Trustee, All Creditors, All Parties-in-Interest