

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JOYCE L. MILES,) CASE NO. 08-23748 JPK
) Chapter 13
Debtor.)

ORDER REGARDING INCOMPLETE FILINGS

On November 5, 2008, an order was entered regarding the Schedules, Statement of Affairs and Verification of Creditor Matrix filed in this case. That order recited that documents had not been “signed by counsel as required by Paragraph 11(a) of the clerk’s Order Authorizing Electronic Case Filing.” That recitation was erroneous– the documents have been executed electronically by the debtor’s counsel. The real problem is that there is no original signature of the debtor on any of the three documents, as the signature pages filed as docket record entry #4 did not include signature pages for those documents. The failure of the debtor to properly execute the Schedules and the Statement of Financial Affairs causes those documents to fail to comply with applicable law and rules, particularly with respect to the mandatory filing of the Schedules and Statement of Affairs under 11 U.S.C. § 521(a)(1)(A) and (B)(i), (ii), and (iii). As a result, if the inadequacies are not corrected within 45 days of the date of filing of the case, the case will be automatically dismissed pursuant to 11 U.S.C. § 521(i)(1). The court chooses to take no action with respect to the inadequacies, save to point out the fact that if they are not corrected within 45 days of the date of filing, the case will be dismissed without the need of any order of the court to do so.

IT IS ORDERED that the Order entered on November 5, 2008, is VACATED; it is up to the debtor and the debtor’s counsel to file conforming documents without any compulsive process from the court.

Dated at Hammond, Indiana on December 11, 2008.

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

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee