

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
RICHARD CHARLES JANDURA,) CASE NO. 09-23281 JPK
) Chapter 13
Debtor.)

ORDER STRIKING PETITION/CASE FILING

This Chapter 13 case was initiated by documentation, including a voluntary petition, filed on August 6, 2009. All of the submitted documentation was with respect to a debtor designated as "Richard Charles Jandura". Mr. Jandura is the debtor in case number 09-23273, a Chapter 13 case presently pending before the court. Case number 09-23281 was thus initiated as a duplicate filing, and must be stricken as such.

On August 11, 2009, the debtor's counsel filed a document designated as "Motion to Correct Docket". This motion explains that an entirely incorrect .pdf was filed, and that the intended debtors were Nicholas Portlow and Erika Portlow who intended to file a Chapter 7 case. This motion requests that the docket be "corrected" to state that case number 09-23281 is actually a Chapter 7 case initiated by the Portlows.

It is impossible to substitute debtors in a petition. The debtors appearing in the initial petition are in fact the debtors with respect to whom the case is filed, and a petition cannot be amended or modified to initiate a case by other than the debtor/debtors by whom it was originally filed.

IT IS ORDERED that the Motion to Correct Docket is denied.

IT IS FURTHER ORDERED that the petition and other documents filed with respect to case number 09-23281 are stricken from the record, and the case is deemed a nullity from its inception.¹

Dated at Hammond, Indiana on August 21, 2009.

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

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

¹ Because the case is deemed a nullity, it may be possible to make arrangements for refund/rebate of the filing fee.