

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
KERUSSO REAL ESTATE, LLC,) CASE NO. 09-22954 JPK
) Chapter 11
Debtor.)

ORDER REGARDING MOTION FOR ENLARGEMENT
OF TIME TO FILE COMPLAINT TO DETERMINE
DISCHARGEABILITY OF CERTAIN DEBTS ("MOTION")

The Motion was filed on October 27, 2009 by First National Bank of Illinois. Paragraph 8 of the Motion states a request for a 60-day enlargement of time "within which to file a complaint to determine the dischargeability of its claim against the Garcias". The prayer for relief of the Motion requests an enlargement of time "within which to file a Complaint to determine the dischargeability of its claims against the Debtor". The Motion does not specifically refer to any provision of the Bankruptcy Code other than reference in the fourth paragraph to 11 U.S.C. § 1328(a)(2), a provision which relates only to a Chapter 13 case.

First, Kerusso Real Estate LLC is a limited liability corporation, and therefore concepts of nondischargeability of particular debts provided by 11 U.S.C. § 523(a) do not apply to it, in that it is not an "individual". Secondly, Sergio Garcia and Marisa Garcia are joint debtors in Chapter 11 case number 09-22828; to the extent the Motion seeks to extend any deadline with respect to those individuals, it has been filed in the wrong case. Finally, 11 U.S.C. § 1328(a)(2) applies only to Chapter 13 cases, and there is no Chapter 13 case anywhere in sight with respect to the Garcias or any of their corporate entities.

In conclusion, the Motion simply fails to state any claim upon which relief can be granted.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on November 19, 2009.

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

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