

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
KATHERINE BELLAMY,) CASE NO. 13-23530
) Chapter 13
Debtor.)

ORDER FOR HEARING ON MOTION TO
ALLOW LATE FILED PROOF OF CLAIM ["MOTION"]

The Motion was filed by Bank of America, N.A., as Record No. 19 on January 27, 2014, the date upon which its proof of claim was due. The Motion reads more like a request for extension of time to file a claim; however, Fed.R.Bankr.P. 3002(c) does not appear to permit an extension of time in this context. Additionally, Fed.R.Bankr.P. 9006(b)(3) also appears to preclude extending the period for filing a proof of claim in a Chapter 13 case under the circumstances of this case. If the claim is indeed late filed, under the circumstances of the case it cannot be deemed timely; *See In re Greenig*, 152 F.3d 631 (7th Cir. 1998). Based on the foregoing, there would appear to be no basis upon which the Motion could be granted. However, on the assumption that the claim will relate to a security interest in an asset which the debtor's plan proposes to retain, it may well be that if a late-filed claim is filed, neither the debtor nor the trustee will object to it and it will therefore be deemed allowed until objected to.

To clear up uncertainty as to the debtor's and the trustee's possible intentions with respect to a late-filed claim, the court will hold a hearing on the Motion.

IT IS ORDERED that a hearing on the Motion will be held on **March 10, 2014, at 2:30 P.M.**

IT IS FURTHER ORDERED that the "drop-dead" notice filed under Record No. 20 is void.

Dated at Hammond, Indiana on February 20, 2014.

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

Distribution:

Debtor, Attorney for Debtor

Trustee, US Trustee

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