

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:)
)
TONYA RENEE MARION) CASE NO. 15-40002
)
)
Debtor)

DECISION AND ORDER DENYING MOTION FOR EXTENSION OF TIME

On March 10, 2015.

The trustee’s motion requesting an extension of time to file objections to the debtor’s claimed exemptions is DENIED, without prejudice.¹

Although the court may extend the time to object to claimed exemptions, doing so requires cause, Fed. R. Bankr. P. 4003(b)(1), and what constitutes sufficient cause is a matter committed to the court’s discretion. In re Nevius, 269 B.R. 209, 211 (Bankr. N.D. Ind. 2001). Accordingly, a motion for an extension of time should state the cause – the reason – more time is needed and it should do so with some degree of specificity. See, Fed. R. Bankr. P. Rule 9013 (“motion shall state with particularity the grounds therefor”). The motion states no cause for the requested extension. It says only that “the trustee is unable to now determine whether he has any objections” without explaining why.² The court can think of any number of reasons why that may be so: some of them

¹Although the motion states that it may be granted unless objections are filed within fourteen days, that deadline has not been authorized by the court’s local rules, see e.g., N.D. Ind. L.B.R. B-2002-2; B-4004-1, or any order in this case. As such, it means nothing. In re Pratt, 2007 WL 2413010 (Bankr. N.D. Ind. 2007). While such an unauthorized deadline may create some type of reliance interest on the part of the recipient that the court will not grant the motion until the imaginary deadline expires, it does not prevent the court from denying the motion before that time.

²Given that the § 341 meeting was held on March 3, 2015 and the motion was filed two days later, the court is not surprised that the trustee has not made a decision concerning debtor’s claimed exemptions. The brief amount of time between those two events and the absence of any stated cause

good – the trustee needs additional information which the debtor has failed or refused to provide – some of them not so good – the trustee hasn’t thought about it yet – and some of them in between. Furthermore, Indiana’s exemption laws are relatively simple and straight-forward. See, Matter of Slentz, 157 B.R. 418, 420 (Bankr. N.D. Ind. 1993). In most instances one only needs to know what type of property it is in order to determine the available exemption. So an exemption which is questionable is often readily apparent. Admittedly, there will be times when more information is needed, see e.g., I.C. 27-1-12-14(e) (limiting life insurance to beneficiary which is the spouse, child, or any relative dependent upon the debtor), I.C. 34-55-10-2(c)(5) (property held as tenants by the entirety), I.C. 34-55-10-2(c)(9) (qualified tuition plan limitations), but if the trustee has requested that information and the debtor has failed to provide it, that would itself probably be grounds to object. See, 11 U.S.C. § 521(a)(3), (4); Fed R. Bankr. P Rule 4002(A)(4). It would certainly be grounds to extend the deadline, Taylor v. Freeland & Kronz, 503 U.S. 638, 644, 112 S.Ct. 1644, 1648 (1992) (“If Taylor did not know the value of the potential proceeds of the lawsuit, he could have sought a hearing on the issue, see Rule 4003(c), or he could have asked the Bankruptcy Court for an extension of time to object, see, Rule 4003(b).”), but the trustee has said nothing to that effect.

In addition to failing to state sufficient cause for the requested extension, the additional time sought – “until such time as the Trustee files a No-Asset Report or his Final Account” – is unreasonable.³ Such a deadline, which places the trustee in complete control of when, if ever, it will

for the requested extension suggest that the motion is not driven by any particular need on the part of the trustee but simply a matter of the trustee’s routine approach to the administration of the estate. This concern becomes more certain given the virtually unlimited extended deadline the trustee has asked for.

³The trustee cannot file a final account until the administration of the estate is complete, yet the trustee cannot complete that administration until exemptions have been determined. So, the

expire, is no deadline whatsoever. As such, it is essentially unlimited and unacceptable. Nevius,
269 B.R. at 212.

SO ORDERED.

/s/ Robert E. Grant
Chief Judge, United States Bankruptcy Court

trustee's request to be allowed to object to exemption until he files a final report appears to be something of an impossibility.