

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN THE MATTER OF)
)
LARION GENE SWARTZENDRUBER) CASE NO. 12-30146 HCD
NANCY ARLENE SWARTZENDRUBER) CHAPTER 7
)
DEBTORS)

ORDER

At South Bend, Indiana, on June 15, 2015.

The Swartzendruber's filed this no-asset chapter 7 case on January 24, 2012. The court granted them a discharge on April 30, 2012 and closed the case on June 27, 2012. On motion of the debtors, the court reopened the case on May 18, 2015.

Now before the court is Interra Credit Union's Motion to Reconsider Grant of Debtors' Motion to Reopen Case [ECF No. 50]. In this Motion, Interra repeats with more detail the same arguments raised in their earlier objection to the reopening of this case, an objection that the court has previously overruled in its order of May 18, 2015.

The Bankruptcy Code, 11 U.S.C. §350(b), states "A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause." This section grants the court wide discretion in the reopening of cases. 3 *Collier on Bankruptcy* ¶350.03, at 350-6 (A.N. Resnick

and H.J. Sommer, eds., 16th ed. 2015); *Matter of Shondel*, 950 F.2d 1301, 1304 (7th Cir. 1991). Courts routinely reopen bankruptcy cases for a variety of reasons. *See, e.g., In re Halstead*, 228 B.R. 915 (Bankr. S.D. Ind. 1998) (amendment of schedules to include omitted creditors); *In re Yazzi*, 24 B.R. 576 (B.A.P. 9th Cir. 1982) (avoid lien).¹ In the Seventh Circuit, the leading approach is to grant motions to reopen to avoid liens absent a showing of prejudice to the creditor. *In re Clark*, 512 B.R. 906, 909 (Bankr. N.D. Ill. 2014) (citing *In re Bianucci*, 4 F.3d 526, 528 (7th Cir. 1993)).

In its Objection to Motion to Reopen [ECF No. 31] and Motion to Reconsider [ECF No. 50], Interra raises only two arguments neither of which has to do with reopening. First, the Swartzendrubers did not list the subject property on Schedule A. Second, the value of the property is greater than the sum of all liens. “Reopening the case is a purely ministerial task that does not supply any independent relief to the movant” *Clark*, 512 B.R., at 908-09.

Interra’s Motion to Reconsider notes a need for full disclosure by debtors. This statement, while accurate, is not germane to the question of reopening this no-asset chapter 7 case. The court denies Interra’s Motion to Reconsider Grant of Debtor’s Motion to Reopen Case.

SO ORDERED.

/s/ HARRY C. DEES, JR.

HARRY C. DEES, JR., JUDGE
UNITED STATES BANKRUPTCY COURT

¹The court also notes there is no time limit for motions to avoid liens in the Code. *See* 3 *Collier on Bankruptcy* ¶350.03[3], at 350-10 (A.N. Resnick and H.J. Sommer, eds., 16th ed. 2015).