

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DAVID SCOTT CLARK and) BANKRUPTCY NO. 05-65455 JPK
STACY RENEE CLARK,) Chapter 7
)
Debtors.)

ORDER REGARDING CORRESPONDENCE

On December 19, 2005, the clerk docketed as docket record entry #19 a one page letter under the signature of Kristin Clark, to which a two(2) page attachment was affixed. This letter in essence asserts that certain obligations owed to Ms. Clark by the debtor under an order in an action for dissolution of marriage should not be subject to proceedings in David Clark's bankruptcy case.

All debts of the debtor are subject to proceedings in that debtor's bankruptcy case. However, certain debts may be excepted from discharge under the operation of provisions of 11 U.S.C. § 523(a), including "domestic support obligations" under 11 U.S.C. § 523(a)(5) and debtors owed to a former spouse, other than "domestic support obligations," which were incurred by the debtor in the course of divorce or separation under 11 U.S.C. § 523(a)(15). The former of these debts in the context of a couple who has children may be thought of child support obligations; the later of the obligations may be thought of property settlement arrangements – in very general terms.

Obligations which are within the definition of 11 U.S.C. § 523(a)(5) do not require the intercession of the United States Bankruptcy Court in order to determine their exception from discharge: The Court in which the "domestic support obligation" was entered has jurisdiction to make that determination. However, debts arising within the definition of 11 U.S.C. § 523(a)(15) must be made the subject of an adversary proceeding, and only the United States Bankruptcy Court has jurisdiction to determine whether or not those obligations are excepted from

discharge. The Court makes no determination whatsoever of the nature of the obligations to which Ms. Clark's correspondence is directed. The Court notes that if the obligations fall within the parameters of 11 U.S.C. § 523(a)(15), a complaint initiating an adversary proceeding pursuant to Fed. R. Bank. P. 7001(6) must have been filed with the Court by December 27, 2005 with respect to this debtor's case.

IT IS ORDERED that the Court will take no action with respect to the above-described correspondence.

Dated at Hammond, Indiana on January 4, 2006.

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

Distribution:
Debtor, Attorney for Debtor
Trustee
U.S. Trustee
Creditor