**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

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| **In re:****Click to enter DEBTOR and JOINT DEBTOR,** **Debtor(s).** |  | **Case No. Case number-JHH****Chapter 13** |

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| NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARINGPursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this motion (the "Motion") without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail. If you oppose the relief requested in the Motion, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of a hearing.If you do not file a response within the time permitted, the court will consider that you do not oppose the relief requested in the Motion; the court may deem admitted the allegations set forth in the Motion; the court will proceed to consider the Motion without further notice or hearing; and the court may grant the relief requested. |

**CHAPTER 13 DEBTOR'S MOTION TO SHORTEN TIME FOR UNLISTED CREDITOR
 TO FILE 11 U.S.C. § 523(a)(3) NONDISCHARGEABILITY COMPLAINT**

The chapter 13 debtor(s) (whether a single debtor or joint debtors, the "Debtor") in the above-captioned bankruptcy case (the "Case") move the court, pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure, for entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),[[1]](#footnote-1) shortening the time for Enter creditor's name (the "Creditor") to file a complaint for nondischargeability under 11 U.S.C. § 523(a)(3) (a "Section 523(a)(3) Complaint").

1. The non-governmental claims bar date in the Case (the "General Claims Bar Date") has expired.
2. Select: Before or After the General Claims Bar Date expired, the Creditor filed proof of claim number Enter claim number, evidencing a non-priority unsecured claim for a pre-petition debt of the Debtor in the amount of $Enter claim amount (the "Claim"). The Creditor is not a governmental unit.
3. The record of the Case reflects that, by inadvertence or mistake, the Debtor did not schedule the debt evidenced by the Claim or include the Creditor on the Debtor's list of creditors filed with the bankruptcy petition. As such, the Creditor may be entitled to assert a nondischargeability claim under 11 U.S.C. § 523(a)(3).
4. Rule 4004(a) of the Federal Rules of Bankruptcy Procedure provides that a Section 523(a)(3) Complaint may be filed at any time.
5. The Debtor desires for the Claim to be allowed and paid, pro rata, with other non-priority unsecured claims not separately classified by the Debtor's chapter 13 plan (the "Plan") on the terms set forth therein, and the Debtor shall not object to the Claim.[[2]](#footnote-2)
6. Accordingly, pursuant to Bankruptcy Rule 9006(c), the Debtor requests that the time for the Creditor to file a Bankruptcy Code Section 523(a)(3) Complaint be reduced on the terms set forth in the attached Proposed Order.

**WHEREFORE, PREMISES CONSIDERED,** the Debtor requests entry of an order substantially in the form of the Proposed Order.

Dated: Enter or select a date.

 Signature of Attorney for Debtor or pro se Debtor

 Print Name: Enter Name

 Address: Enter Address

 Telephone No. Enter Telephone No.

 Email: Enter Email Address

**CERTIFICATE OF SERVICE**

 I hereby certify that on the date of this certificate of service, I caused the Motion, the exhibit(s) to the Motion (the "Exhibit(s)"), including the Proposed Order, and this certificate of service[[3]](#footnote-3) to be served on the creditors and other interested parties identified on the attached mailing matrix[[4]](#footnote-4) by First-Class United States Mail.

 I also hereby certify that on the date of this certificate of service, I caused the Motion, the Exhibit(s), and this certificate of service to be served on the parti(es) listed below by the means specified (if none, leave blank):

|  |  |
| --- | --- |
| **Name and Address** (If any entity is served care of an officer or agent, identify the person served by name and by title.) | **Method of Service** (If service is made by certified mail, include the certified mail number.) |
| Click here to enter text. | Click here to enter text. |

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

**EXHIBIT A**

(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

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| **In re:****Click to enter DEBTOR and JOINT DEBTOR,** **Debtor(s).** |  | **Case No. Case number-JHH****Chapter 13** |

**ORDER GRANTING DEBTOR'S MOTION TO SHORTEN TIME FOR CREDITOR TO FILE 11 U.S.C. § 523(a)(3) NON-DISCHARGEABILITY COMPLAINT**

This matter is before the court on the *Debtor's Motion to Shorten Time for Creditor to File 11 U.S.C. § 523(a)(3) NonDischargeability Complaint* (Doc. Enter Doc #) (the "Motion"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. The Motion was served on all creditors and other interested parties with the Western Division Administrative Order No. 20-01 negative notice legend informing the parties of their opportunity to respond. No party filed a response within the time permitted, and, therefore, the court considers the Motion to be unopposed and deems admitted the uncontroverted factual allegations set forth in the Motion. (*See* Admin. Order No. 20-01.) It appears to the court that the Motion should be granted on the terms of this order. Accordingly, it is ORDERED:

1. The Motion is granted, and the Creditor shall have **60 days** from the date of this order (the "Deadline") to file a Section 523(a)(3) Complaint; *provided, however*, if the Deadline falls on a Saturday, Sunday, or legal holiday, the Deadline is extended to the next business day, and *further provided* the Deadline shall not apply if the Claim is disallowed on the basis that the Claim was untimely filed.
2. If the Creditor fails to timely file a Section 523(a)(3) Complaint, and the Claim is not disallowed on the basis that the Claim was untimely filed, the Claim shall be subject to any discharge order entered in the Case.

Dated:

 UNITED STATES BANKRUPTCY JUDGE

1. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address (ordersjhh@alnb.uscourts.gov) in accordance with Western Division Administrative Order Number 20-01. [↑](#footnote-ref-1)
2. The Claim is deemed allowed if not objected to by a party in interest. *See* 11 U.S.C. § 502(a). [↑](#footnote-ref-2)
3. This certificate of service must be attached to, and filed with, the Motion. [↑](#footnote-ref-3)
4. Attach a current, official mailing matrix for the Case. [↑](#footnote-ref-4)