

SIGNED.



Dated: June 27, 2007

James M. Marlara
JAMES M. MARLAR
U.S. Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Chapter 13
)
) No. 4:07-bk-00355 JMM
)
) **MEMORANDUM DECISION RE:**
)
) **(1) TURNOVER MOTION;**
)
) **(2) MOTION TO ENLARGE TIME TO FILE**
) **CLAIM; AND**
)
) **(3) MOTION TO ENLARGE TIME TO FILE**
) **NON-DISCHARGEABILITY COMPLAINT.**
 _____)
 Debtor.

On June 25, 2007, creditor Zeon Weirmeir filed a pleading with this court, entitled as a "motion for turnover of property." However, within the body of the pleading, Mr. Weirmeir also appears to request (1) an extension of time to file a proof of claim, and (2) an extension of time to file a complaint objecting to the non-dischargeability of the debt which he claims the Debtor owes him.

Mr. Weirmeir informs the court, in his pleading, that he is currently incarcerated, but that he is scheduled for release on July 25, 2007. He has no attorney at this time in these proceedings.

PROCEDURAL FACTS

The Debtor filed a chapter 13 case on March 9, 2007. She filed a plan on April 2, 2007. In her schedules, she listed Mr. Weirmeir as a creditor, but for an "unknown" and "disputed" amount.

1 The notice of the Debtor's §341 meeting of creditors established the following deadlines:

- 2 • Deadline to file a non-dischargeability complaint June 25, 2007
- 3 • Deadline to file a proof of claim July 24, 2007

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5 On June 25, 2007, this court received Mr. Weirmeir's motion.

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7 **DISCUSSION**

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9 **A. Request to Extend Time to File Proof of Claim**

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11 Mr. Weirmeir timely filed his request for an extension to file a proof of claim in this case.
12 He has shown good cause to do so, by virtue of the fact that he is currently incarcerated and will not gain
13 release until the day after the claims deadline. FED. R. BANKR. P. 9006(b)(1) and (3) allows a court to
14 enlarge the time to file a claim, pursuant to FED. R. BANKR. P. 3002(c). Cause has been shown here to do
15 so.

16 Accordingly, the court will extend Mr. Weirmeir's time to file a proof of claim to and through
17 September 4, 2007.

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19 **B. Request to Extend Time to File a Non-Dischargeability Action**

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21 Similarly, Mr. Weirmeir has timely sought an extension of time within which to file a
22 complaint for non-dischargeability of a debt pursuant to 11 U.S.C. § 523(a). FED. R. BANKR. P. 4007.

23 Any such complaint filed for non-dischargeability must comply with the adversary proceeding
24 rules. See FED. R. BANKR. P. 7001(6), *et seq.*

25 Therefore, good cause has been shown to extend the time for filing such a complaint, should
26 Mr. Weirmeir elect to do so, to and through September 4, 2007.

1 **MOTION FOR TURNOVER**

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3 Mr. Weirmeir contends that the Debtor has property in her possession that belongs to him.
4 This matter requires the presentation of evidence and the taking of testimony. Therefore, this court sets
5 **Wednesday, October 17, 2007, at 9:00 a.m.**, Hearing Room 446, 38 South Scott Avenue, Tucson, Arizona
6 (three hours) for the presentation of such evidence. All of the discovery rules of FED. R. BANKR. P. 7028-
7 7037 shall apply. This turnover matter is considered to be a "contested matter" within the meaning of FED.
8 R. BANKR. P. 9014.

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10 **SEPARATE ORDER**

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12 Pursuant to FED. R. BANKR. P. 9021, a separate order shall be entered in connection with the
13 matters disposed of herein.

14
15 DATED AND SIGNED ABOVE.

16
17 COPIES served as indicated below this
27th day of June, 2007, upon:

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27 By /s/ M. B. Thompson
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