

Dated: October 3, 2019



Daniel P. Collins

Daniel P. Collins, Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA**

In re:)	Chapter 7 Proceedings
)	
LAVELLE CURTIS SCOTT JR.,)	Case No.: 2:19-bk-11722-DPC
)	
Debtor.)	
)	ORDER DENYING MOTION TO
)	AMEND PETITION
)	
)	
)	

Debtor Lavelle Curtis Scott, Jr. (“Debtor”) has filed a motion (“Motion”) to amend his Chapter 7 petition to add his spouse, Diana Charae Scott (“Ms. Scott”) (DE 20), as a joint debtor. The amended petition is attached to the Motion. Debtor commenced this case by filing a Chapter 7 petition on September 13, 2019, as sole petitioner. That petition was captioned with the name Lavelle Curtis Scott Jr. only and was only signed by him. Debtor now seeks to amend his petition to a joint petition and add his spouse as a co-debtor.

There is no authority to retroactively convert the original single filing to a joint filing. The non-filing spouse may not be added to this case by amendment or motion, largely due to the importance of the petition date, order for relief and creation of the bankruptcy estate. A debtor cannot have a separate petition date from his or her spouse because there can only be one petition date per one petition. *In re Clinton*, 166 B.R. 195, 200 (Bankr. N.D.Ga. 1994).

The non-filing spouse must file a separate bankruptcy petition; a joint bankruptcy case must be commenced by both spouses signing a single petition at the beginning of the case. *In re Chilson*, 525 B.R. 130 (Bankr. D. N.M. 2015); *In re Austin*, 46 B.R. 358 (Bankr. E.D. Wis. 1985); *In re Woodell*, 96 B.R. 614 (Bankr. E.D. Va. 1988); *In re Kirkus*, 97 B.R. 675 (Bankr. N.D. Ga. 1987); and *In re Sobin*, 99 B.R. 483 (Bankr. M.D. Fla. 1989).

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IT IS ORDERED that debtor's motion to add his spouse as a joint debtor is denied.

DATED AND SIGNED

To be Noticed through the BNC to:

Lavelle Curtis Scott, Jr.
95 N. Cooper Rd., #71
Chandler, AZ 85225

David A. Birdsell
216 N. Center
Mesa, AZ 85201