

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

IN RE:)	
)	
CHAD E. MEREDITH)	Case No. 10-12340
)	
Debtor.)	Chapter 7
_____)	

MEMORANDUM OPINION AND ORDER

This matter came before the Court on January 26, 2012, upon the Motion to Allow Late Filed Claim (the “Motion”), filed by CommunityOne Bank, N.A. (the “Creditor”) on January 11, 2012. Neil D. Jonas appeared on behalf of the Creditor, and Everett B. Saslow, Jr. appeared in his capacity as Chapter 7 trustee (the “Trustee”). At the hearing, the Creditor argued through counsel that although the Creditor filed its proof of claim six days late, the Court should extend the time to file and allow the claim as timely because the delay in filing was the result of excusable neglect. The Trustee objected to the Motion and argued that the excusable neglect standard does not apply in Chapter 7 cases and that the plain language of Rule 3002(c) requires that the claim be allowed as tardily filed.

The Court agrees with the Trustee that the Court lacks discretion to enlarge the time for filing proofs of claim in Chapter 7 cases. Fed. R. Bankr. P. 9006(b)(3); Fed. R. Bankr. P. 3002(c); In re Denny, No. 01-81440 (Bankr. M.D.N.C. Dec. 27, 2002); In re Davis, 108 B.R. 95, 97 (Bankr. D. Md. 1989), aff'd, 936 F.2d 771 (4th Cir. 1991); In re S.A. Morris Paving Co., Inc., 92 B.R. 161, 163 (Bankr. W.D. Va. 1988). Accordingly, the Creditor’s Motion is **DENIED**.



THOMAS W. WALDREP, JR.
UNITED STATES BANKRUPTCY JUDGE

January 26, 2012

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

IN RE:)	
)	
CHAD E. MEREDITH)	Case No. 10-12340
)	
Debtor.)	Chapter 7
_____)	

PARTIES IN INTEREST

Neil D. Jonas, Esq.

Everett B. Saslow, Esq., Chapter 7 Trustee

Dirk W. Siegmund, Esq.

Michael D. West, Esq., Bankruptcy Administrator