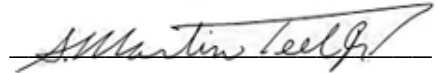


MEMORANDUM DECISION AND ORDER Based on *In re Boucek*, 280 B.R. 533, 537-38 (Bankr. D. Kan. 2002), and *In re Mickens*, 2005 WL 375661 (Bankr. D.D.C. Feb.14, 2005), the order below is signed. The order does not preclude the debtor's (or the trustee's) filing a motion under Rule 9006 to enlarge the time for the debtor (or the trustee) to file a proof of the creditor's claim under Fed. R. Bankr. P. 3004. See *In re Harding*, 2006 WL 5738080 (Bankr. D. Md. Jan. 30, 2006). But Rule 9006 expressly bars the creditor itself from utilizing Rule 9006 to seek an enlargement of the time the creditor has under Rule 3002 to itself file a proof of its claim. Nor does this order bar the trustee's seeking to vacate this order and to withdraw her objection to the claim if the interests of the debtor and of the creditor body warrant letting the claim remain an allowed claim in light of the creditor's representations as to why that would be beneficial to the debtor. Dated: October 15, 2008.




S. Martin Teel, Jr.
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

IN RE
JAMES E. WHITTLE : Chapter 13 Case No. 07-00317
Debtor :

ORDER DISALLOWING CLAIM OF EVERHOME MORTGAGE

Upon consideration of the Objection of the Trustee, the proof of claim filed August 26, 2008, by Everhome Mortgage, with a pre-petition arrears claim of \$12,293.93, as an untimely filed claim, and the court record herein, it is, ORDERED, that the Trustee's Objection be and the same is hereby sustained, and said claim filed August 26, 2008, is hereby disallowed and expunged from the record.

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