

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 filing a motion under Rule 9006 to enlarge the time for the debtor (not the creditor) 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 such a motion should be filed as a motion, not as a request within an opposition to the objection to the untimely claim filed by the creditor. The order not bar the trustee's filing a motion to vacate this order and withdraw the trustee's objection to the claim if she concludes that the interests of the debtor and of the creditor body warrant letting the claim remain an allowed claim (unless and until objected to) in light of the debtor's representations as to why that would be beneficial to the debtor. Dated: October 15, 2008.



A handwritten signature in black ink, reading "S. Martin Teel, Jr.", written over a horizontal line.

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

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE
EUNICE M. HERRING : Chapter 13 Case No. 07-00671
Debtor :

ORDER DISALLOWING CLAIM OF AMERICAN HOME MORTGAGE

Upon consideration of the Objection of the Trustee, the secured proof of claim filed July 28, 2008, by American Home Mortgage, in the amount of \$303,466.57, 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 July 28, 2008, is hereby disallowed and expunged from the record.

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