

The document below is hereby signed.

Signed: June 5, 2014



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
BYRON WEBSTER JORDAN and)	Case No. 14-00227
HELEN MONIQUE HOLT-JORDAN,)	(Chapter 7)
)	Not for publication in
Debtors.)	West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER RE
DEBTORS' SCHEDULES AND RELATED PAPERS

Caliber Home Loans, Inc. is a creditor in this case. It filed a motion for relief from the automatic stay on May 6, 2014, with respect to a mortgage that was apparently previously held by Bank of America. Caliber Home Loans, Inc., and its attorney, Michael T. Freeman (who filed the motion for relief from the automatic stay), were not listed on the debtors' *List of Creditors and Mailing Matrix* filed with the petition on April 17, 2014. Caliber Home Loans, Inc. was not listed on the debtors' *Schedule D* filed on May 15, 2014. Bank of America was listed on both the *List of Creditors and Mailing Matrix* and *Schedule D*. The debtors listed Michael T. Freeman **as an attorney with respect to the listing of Bank of America** on *Schedule D*. Instead of doing that, the debtors should have listed Caliber Home Loans,

Inc. as a creditor on *Schedule D*, with Michael T. Freeman included on that listing as *that creditor's attorney*.

Moreover, no *Amendment to List of Creditors and Mailing Matrix to Add Previously Unlisted Entity or Entities* was submitted with the amended *Schedule D* to list Michael T. Freeman as required by LBR 1007-2. Things got worse. After the clerk's office gave notice of that deficiency to the debtors' attorney, the debtors' attorney filed on May 19, 2014, a *Cover Sheet and Certificate Pursuant to Local Rule 1009-2* (part of Dkt. No. 34):

- stating that the Schedules "do not add any entities, rather, the missing address for one creditor is added, and an attorney as counsel of record to such creditor has been added;" and
- attaching a supplemental mailing matrix that listed Caliber Home Loans, Inc. and Michael T. Freeman as entities, even though Caliber Home Loans, Inc. had not been scheduled as a creditor.

This is frustrating to the court because:

- No address had been missing for Bank of America - the same address appears on *Schedule D* as appeared on the *List of Creditors and Mailing Matrix*.
- Michael T. Freeman is the counsel of record for Caliber

Home Loans, Inc., not Bank of America.¹

- Caliber Home Loans, Inc. (whose creditor role was no secret because it had filed a motion for relief from the automatic stay) was not included on the schedules.
- The supplemental mailing matrix did not comply with LBR 1009-2 as it failed to include the form of cover sheet, specifically the *Amendment to List of Creditors and Mailing Matrix to Add Previously Unlisted Entity or Entities* coversheet, prescribed by the Clerk and posted on the court's website, and was not executed by the debtors under penalty of perjury.

It is thus

ORDERED that the *Cover Sheet and Certificate Pursuant to Local Rule 1009-2* (part of Dkt. No. 34) and its attachment are stricken. It is further

ORDERED that within 14 days after entry of this order, the debtors' attorney shall pay the filing fee for filing the *Schedule D* that included an attorney for a creditor (Caliber Home Loans, Inc.), who had not been scheduled, and who had not been listed on the *List of Creditors and Mailing Matrix*. It is

¹ Because Freeman is the attorney for a creditor not yet scheduled, the listing of Freeman triggered the \$30 fee under item 4 of the *Bankruptcy Court Miscellaneous Fee Schedule* for filing an amendment to the debtors' schedules of creditors, lists of creditors, or mailing list. The court does not waive the fee: the debtors' attorney's handling of this aspect of the case has been sloppy and burdened the court.

