


ORDERED.

Dated: February 12, 2016


Cynthia C. Jackson
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re:

TANGIE T. GOGGINS,

Debtor.

Case No. 6:15-bk-00934-CCJ
Chapter 13

ORDER DISALLOWING EAGLE DUNES' LATE FILED CLAIM NO. 08

This case came before the Court for hearing on October 13, 2015, for consideration of Eagle Dunes' ("Creditor") Amended Motion to Allow Claim as Timely Filed (Doc. No. 36; the "Motion to Allow Claim"), and the Debtor's Motion to Disallow Late Filed Claim No. 08 Filed by Eagle Dunes (Doc. No. 33; the "Motion to Disallow Claim"). Having considered the pleadings and the record in this case, the Court disallows Creditor's Claim No. 8 for the reasons set forth below.

The Debtor filed a Voluntary Petition for relief under Chapter 13 of Bankruptcy Code on February 3, 2015. The Debtor listed the Creditor on her Schedule D and included the Creditor's

name and address on the Creditor Matrix. Pursuant to the Notice of Commencement of Case (Doc. No. 4), the deadline to file a proof of claim was June 3, 2015 (“Claims Bar Date”). The Creditor filed Claim No. 8 almost two months later.

On that same date, the Creditor filed the first Motion to Allow Claim as Timely Filed (Doc. No. 28), arguing that the claim should be allowed because it did not receive notice of the Claims Bar Date. Three months later, the Creditor filed an amended motion conceding that it *did* receive notice of the bar date but arguing that somehow its late filed claim is “included in the bankruptcy” by the language in this Court’s order entered two months before the Claims Bar Date, stripping the Creditor’s lien (Doc. No. 14; the “Lien Strip Order). To wit, that “the claim of Creditor shall be treated as an unsecured claim in this Chapter 13 case.” *Id.* The Court disagrees. The Lien Strip Order in no way alleviated the Creditor’s need to file a timely proof of claim.

To be included in a bankruptcy case an unsecured creditor must timely file a proof of claim in accordance with the procedures set forth in Bankruptcy Rule 3002. The Creditor in this case failed to do so. Accordingly, it is

ORDERED that:

1. The Motion to Allow Claim is denied.
2. The Motion to Disallow Claim is granted.
3. The Creditor’s late filed Claim No. 8 is disallowed.

Attorney Frank J. Lacquaniti is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of this order.