

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

In re:

BRANDON STONE,

Case No. 6:09-bk-11319-ABB

Chapter 7

Debtor.

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**ORDER**

This matter came before the Court on the Motion to Add Spouse to Petition (Doc. No. 35) filed by the Debtor Brandon Stone (“Debtor”) seeking to add his wife Amy M. Stone (“Mrs. Stone”) to the petition. A hearing was held on July 19, 2010 at which the Debtor, his counsel, and Mrs. Stone appeared.

The Debtor filed this case on August 3, 2009 by filing an individual Chapter 7 Petition (Doc. No. 1). He learned post-petition Mrs. Stone is a co-debtor of some of his debts. He and Mrs. Stone desire to address their debts through a joint bankruptcy case.

The Bankruptcy Courts uniformly deny motions to amend the petition to add a spouse. Section 302(a) of the Bankruptcy Code prescribes a joint petition may be commenced by filing a single petition. The Code does not allow or suggest a debtor may amend a petition to add a spouse.

The filing of a petition constitutes an order for relief pursuant to 11 U.S.C. Section 301(b). The petition date “is of fundamental importance to the case since . . . a number of rights, obligations, and deadlines are determined by that filing date.” In re Woodell, 96 B.R. 614, 615 (Bankr. E.D. Va. 1988). Permitting a spouse to join a petition may adversely affect the rights of creditors. Id.

Federal Rule of Bankruptcy Procedure 1015(b) permits joint administration of the estates of separate cases filed by spouses in the same Court. Mrs. Stone could file an individual Chapter 7 petition in this Court and she and the Debtor could request joint administration of their cases pursuant to Rule 1015(b).

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the Debtor's Motion (Doc. No. 35) is hereby **DENIED**.

Dated this 2nd day of August, 2010.

/s/ Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge