

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

In re:

Case No. 6:07-bk-02349-ABB
Chapter 7

CHARLES MICHAEL MAGRUDER,

Debtor.

ORDER

This matter came before the Court on the Motion to Reconsider Order on Trustee's Objection to Claim of Exemptions or, in the Alternative, to Allow and Pay Claim Number 3, in Part, as a Joint Debt (Doc. No. 51) ("Motion") filed by American Express Centurion Bank ("Movant"). An evidentiary hearing was held on February 25, 2008 at which the Chapter 7 Trustee Carla P. Musselman, counsel for the Movant, and counsel for the Debtor Charles Michael Magruder appeared.

The Debtor filed this individual Chapter 7 case on June 7, 2007. The deadline for objecting to the Debtor's claims of exemption was thirty days after July 11, 2007—the date the Debtor's Section 341 meeting was held and concluded. The Trustee timely objected (Doc. No. 18) to the Debtor's various claims of exemption. No other timely objections were filed. The Trustee and the Debtor settled the Objection and an Order was entered on December 11, 2007 (Doc. No. 46) overruling the Trustee's Objection.

The Movant's Motion, to the extent it constitutes an objection to the Debtor's claims of exemption, is untimely as it was not filed within thirty days of the conclusion of the Section 341 meeting. The Movant provided no legal basis for reconsideration of the December 11, 2007 Order. The Movant's request for reconsideration, if premised upon Federal Rule of Civil Procedure 59(e), is untimely. Federal Rule of Civil Procedure 59(e) requires a motion to alter or amend a judgment be filed within ten days after the entry of judgment. The Movant has established no basis for reconsideration of the December 11, 2007 Order pursuant to Federal Rule of Civil Procedure 60. No newly

discovered evidence, mistake, surprise, fraud, clerical mistakes, or other such grounds for relief have been presented. The Movant's Motion is due to be denied.

Accordingly, it is

**ORDERED, ADJUDGED and
DECREED** that the Movant's Motion (Doc. No. 51) is hereby **DENIED**.

Dated this 7th day of March, 2008.

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