

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF)

CHARLES R. TURNER,)

BANKRUPT)

CASE NO. BK78-0-854

MEMORANDUM AND ORDER

John Goodknight, an alleged creditor in this proceeding, has filed a motion on February 7, 1979, to extend the January 8, 1979, deadline for the filing of complaints to determine the dischargeability of certain debts. The basis of the creditor's motion is that information regarding the creditor's claim which would allegedly make the claim nondischargeable escaped the attention of the attorney for the creditor because of the attorney's absence from work for one month. In his absence, there accumulated many items for his attention and the statement of facts which was mailed to him was filed without being read. In view of the affidavit on file on behalf of the creditor, I conclude that the facts presented constitute excusable neglect within the meaning of Rule 906 of the Bankruptcy Rules. In view of the fact that the creditor has filed its complaint to determine dischargeability and has paid the filing fee, it is

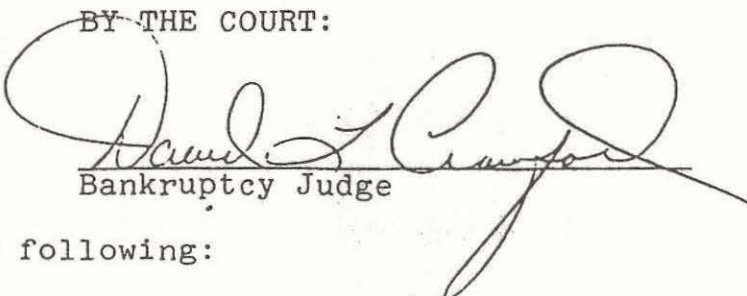
ORDERED that the time within which John Goodknight, alleged creditor, may file its complaint to determine the dischargeability of the indebtedness due it from the bankrupt be, and it hereby is, extended to February 7, 1979, the date upon which the complaint was filed; and it is further

ORDERED that the complaint filed by John Goodknight be, and it hereby is, determined to be properly filed in accordance with the previous paragraph; and it is further

ORDERED that a summons and notice of trial be issued and sent to the creditor's attorney for service upon the defendant as required by law.

DATED: April 2, 1979.

BY THE COURT:


Bankruptcy Judge

Copies mailed to each of the following:

Martin Cannon, Attorney, 318 So. 19th Street, Omaha, Ne. 68102

Thomas Emery, Attorney, 7100 W. Center Rd., Omaha, Ne.