

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION

IN RE: WAYNE H. SCHULTZ, JR.,  
Debtor

CASE NO.: 4:04-bk-20602 E  
CHAPTER 7

**ORDER STRIKING SECOND NOTICE OF ASSETS  
AND GRANTING IN PART AND DENYING IN PART DEBTOR'S  
AMENDED OBJECTION TO THE TRUSTEE'S REQUEST FOR  
ISSUANCE OF A NOTICE OF ASSETS AND FOR THE  
ESTABLISHING OF A CLAIMS BAR DATE**

Before the Court is *Debtor's Objection to the Trustee's Request for Issuance of a Notice of Assets and For The Establishing of a Claims Bar Date* filed on April 26, 2005 (the "**Debtor's Objection**"); the Trustee's response to Debtor's Objection filed on April 29, 2005; the *Debtor's Amended Objection to the Trustee's Request for Issuance of a Notice of Assets and For The Establishing of a Claims Bar Date* filed on June 3, 2005 (the "**Debtor's Amended Objection**"); and the Trustee's response to Debtor's Amended Objection filed on June 10, 2005.

These matters were heard on June 14, 2005. Richard Cox, the Chapter 7 Trustee, appeared on behalf of himself, and Scott Vaughan appeared on behalf of the Debtor. After oral argument and the introduction of evidence, the Court ruled that the Second Notice of Assets and Deadline to File Proof of Claim entered on April 26, 2005 (the "**Second Notice**") would be stricken from the record in this case because it was apparently an outdated notice that refers to incorrect or no longer existing Federal Rules of Bankruptcy Procedure and also refers to a court order which does not exist. The Second Notice also purports to establish a new bar date for filing proofs of claim which is not authorized by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure. However, because late filed claims may in fact be allowed and distributions made thereon pursuant to 11 U.S.C. §

726(a), the Court refuses to disallow any claims filed after the initial claims bar date in this case. Creditors are free to file tardy claims until the case is actually closed.

For the reasons stated herein and in open court, it is hereby

**ORDERED** that Debtor's Amended Objection is **GRANTED** in part and **DENIED** in part; and it is further

**ORDERED** that the Second Notice of Assets and Deadline to File Proof of Claim entered on April 26, 2005, is hereby **STRICKEN** from the record in this case.

**IT IS SO ORDERED.**



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HONORABLE AUDREY R. EVANS  
UNITED STATES BANKRUPTCY JUDGE

DATED: June 17, 2005

cc: Richard Cox, Chapter 7 Trustee  
Scott Vaughan, attorney for Debtor  
U.S. Trustee  
all creditors per matrix