

IN THE UNITED STATES BANKRUPTCY COURT  
 FOR THE  
 SOUTHERN DISTRICT OF GEORGIA  
 Augusta Division

IN RE:	)	Chapter 13 Case
	)	Number <u>92-10582</u>
ALFRED WHITE	)	
	)	
Debtor	)	
<hr style="width: 100%;"/>	)	
NATIONWIDE INSURANCE COMPANY	)	FILED
	)	at 2 O'clock & 27 min. P.M.
Movant	)	Date: 2-18-94
	)	
vs.	)	
	)	
ALFRED WHITE, Debtor	)	
AND BARNEE C. BAXTER,	)	
CHAPTER 13 TRUSTEE	)	
	)	
Respondents	)	

**ORDER**

By motion, Nationwide Insurance Company seeks leave to file a late claim in the debtor's Chapter 13 case in the amount of Nine Thousand Seven Hundred Two and No/100 (\$9,702.00) Dollars representing a subrogated insurance claim against the debtor for a prepetition injury to Michael Byrd as a result of an automobile accident involving the debtor. But for the motion, this case would have been discharged having paid all allowed claims in full. There

is presently pending litigation in the Civil Court of Richmond County, Georgia between the parties to this motion stayed by this case. Mr. White contends he had insurance at the time of the accident involving Mr. Byrd that should have paid Mr. Byrd's claim and therefore did not list Nationwide Insurance Company or Mr. Byrd as a creditor upon the filing of his case on March 23, 1992. As Nationwide Insurance Company was not a listed creditor, did not receive notice of this Chapter 13 proceeding, did not file a claim and the debtor's confirmed plan did not deal in any way with any claim of Nationwide Insurance Company or Michael Byrd any discharge issued to this debtor does not affect any claim held by Nationwide Insurance Company or Mr. Byrd. See, In re: Greenburgh, 151 B.R. 709, 713-16 (Bankr. E.D. Pa. 1993) and cases cited therein.

It is therefore ORDERED that the motion to allow late claim is denied and the trustee is authorized and directed to proceed with the closing of this matter upon the issuance of the debtor's discharge.

Further ORDERED upon issuance of the discharge, all stays are lifted to allow the debtor, Nationwide Insurance Company, Mr. Byrd and the debtor's insurance carrier to resolve their disputes in the appropriate State court proceeding.

JOHN S. DALIS  
UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia  
this 18th day of February, 1994.