

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE: *
* CASE NUMBER 05-44926
RAYMOND L. LONSWAY, *
* CHAPTER 7
*
Debtor. * HONORABLE KAY WOODS
*

ORDER DECLARING MOTION FOR RELIEF FROM JUDGMENT TO BE MOOT

On August 20, 2005, Debtor Raymond L. Lonsway ("Debtor") filed a voluntary petition pursuant to Chapter 7 of the Bankruptcy Code. Michael D. Buzulencia was appointed Chapter 7 Trustee ("Trustee"). The first meeting of creditors was scheduled to be held on September 19, 2005, thus making November 18, 2005 the last day to oppose discharge or dischargeability.

On December 15, 2005, the Trustee filed a motion to extend time to object to discharge, seeking an extension until January 14, 2006. Without realizing that the time to oppose discharge had expired, the Court improvidently entered an order on December 19, 2005 granting the motion to extend.

On December 23, 2005, Debtor filed a motion for relief from judgment, which was scheduled for hearing on January 26, 2006. At the request of the Debtor, the hearing on this motion was rescheduled for February 23, 2006.

In response to Trustee's second motion to extend time to object to discharge, this Court improvidently entered an order on January 11, 2006 extending the time to so object until February 14, 2006. Trustee filed a third motion to extend time on February 13, 2006, which is hereby deemed moot.

In light of the fact that the first motion to extend time to object to discharge was filed almost a month after the expiration of the sixty (60) day period in which such objections could be made, the Court's order dated December 19, 2005 was *void ab initio* and is held for naught. As a consequence, the Debtor's motion for relief from judgment is moot.

IT IS SO ORDERED.

**HONORABLE KAY WOODS
UNITED STATES BANKRUPTCY JUDGE**