

UNPUBLISHED

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE:       LINDA A. CINTRON  
              Debtor.

Case No. 00-60937-T  
Chapter 7

MEMORANDUM OPINION AND ORDER

Hearing was held September 5, 2001, on debtor's notice to add creditor in a closed case. Debtor's notice, which the court treats as a motion, seeks to reopen her case to add as a creditor, Maureen L. White. White is debtor's husband's attorney, to whom debtor was ordered to pay fees pursuant to a divorce decree. This debt was not scheduled in debtor's petition. White filed an objection to debtor's notice.

Debtor filed her chapter 7 bankruptcy case on September 2, 2000. She received her discharge on December 21, and the case was closed on January 2, 2001. It was a no asset case.

Debtor's notice to add creditor was filed under a procedure adopted by the Eastern District of Virginia Bankruptcy Court several years ago to allow debtors, without reopening their cases, to schedule previously unlisted creditors after a case has been closed. One purpose of the procedure was to give debtors a method to schedule creditors who had been previously omitted.

Another purpose was to persuade unscheduled creditors who receive the notice of their listing, that their debts were now discharged in bankruptcy.

In its second purpose, the notice procedure may be considered "eye-wash." In no way does it provide debtors a substantive procedure to determine dischargeability of any debt. It was adopted after the courts of this district uniformly held that there is nothing to be accomplished by reopening a closed no asset case for the sole purpose of scheduling a new creditor. Unscheduled debts are either discharged pursuant to 11 U.S.C § 727(b) or excepted from discharge under provisions of 11 U.S.C. § 523. The result is not changed by the addition of the creditor to the bankruptcy schedules. See In re Woolard, 190 B.R. 70, 74-75 (Bankr. E.D. Va. 1995); 4 Collier on Bankruptcy ¶523.09[5] (Lawrence P. King ed., 15<sup>th</sup> Ed. rev. 2001).

Consequently, at hearing the court declined to hear evidence concerning whether debtor's obligation to White is a dischargeable debt. If the obligation is in the nature of alimony excepted from discharge under 11 U.S.C. § 523(a)(5) the state court has concurrent jurisdiction with the bankruptcy court to so determine. Having the state court rule on the issue would seem to be the prudent course here. However, either party could file a complaint to determine dischargeability of debt in this court

without the necessity of reopening the case. 4 Collier on Bankruptcy ¶523.03 (Lawrence P. King ed., 15<sup>th</sup> Ed. rev. 2001).

Because debtor's filing of the notice to add creditor has no impact on the dischargeability of her debt to Maureen L. White,

**IT IS ORDERED** that White's objection to the notice to add creditor is **OVERRULED**.

SIGNED this 12th day of September, 2001.

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DOUGLAS O. TICE, JR.  
CHIEF JUDGE  
UNITED STATES BANKRUPTCY COURT