IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:	)	
	)	
Jacqueline Adams Greene,	)	Case No. 18-4875
	)	
Debtor.	)	

ORDER DENYING MOTION TO REOPEN

The court held a hearing on the debtor's motion to reopen (doc. 133) and the creditor Great American Loans' response (doc. 137) to the motion on November 15, 2024. The issue for the court to decide is whether the creditor's debt – evidenced by a 2010 Alabama state court judgment – was discharged in the debtor's bankruptcy under Bankruptcy Code §§ 1328(a) and 523(a)(3). If it was, then there is cause for reopening the case so that the debtor can avoid the judgment lien. If it wasn't, there is no reason to reopen the case and the creditor can continue its state court collection efforts. For the reasons discussed below, the court finds that the 2010 judgment was not discharged.

The facts are undisputed. The debtor did not list or schedule the creditor's debt when she filed for chapter 13 bankruptcy in December 2018. The bar date for nongovernmental creditors to file a proof of claim expired in February 2019 (*see* notice of bankruptcy case, doc. 7). The creditor did not have notice or knowledge of the bankruptcy until April 2020, when its attorney checked PACER online court records before attempting to revive its judgment after ten years as provided by Alabama law.

Bankruptcy Code § 523(a)(3) excepts from discharge unscheduled debts like the creditor's judgment debt here unless the creditor had notice or actual knowledge of the

bankruptcy case "in time for . . . timely filing" of a proof of claim. [Emphasis added.] The debtor argues that the creditor's claim could have been allowed and paid if filed after the bar date, but that is not the issue. The statute refers to "timely filing" – not whether the claim would have been allowed if late-filed. When a statute's language is plain, the sole function of a court is to enforce it according to its terms. *See United States v. Ron Pair Enters., Inc.*, 489 U.S. 235, 241 (1989). The "plain meaning" of legislation should be conclusive, except in the rare cases where the literal application of a statute will produce a result demonstrably at odds with the drafters' intentions. *See id.* at 242. Where, as here, "the words of a statute are unambiguous, the judicial inquiry is complete." *See In re Thompson*, 939 F.3d 1279, 1285 (11th Cir. 2019) (citation and quotation marks omitted). The court must assume Congress meant what it said and construe the statutory text as written. *See id.*

Here, the claims bar date was in February 2019 and the creditor did not have notice or actual knowledge of the bankruptcy until April 2020. The creditor's debt was thus not discharged and there is no cause to reopen the bankruptcy. *See generally, e.g.*, *In re Mai Yer Moua*, 457 B.R. 755 (Bankr. D. Minn. 2011) (debt not scheduled in time to permit timely filing of proof of claim was nondischargeable). The court therefore denies the motion to reopen. There is no bankruptcy stay or discharge applicable to the state court action.

Dated: December 4, 2024

HENRY A. CALLAWAY
U.S. BANKRUPTCY JUDGE