

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA**

In re:

JAMES MAX HANSON,

Debtor.

Case No. A05-01149-DMD
Chapter 7

**Filed On
12/8/05**

**MEMORANDUM REGARDING MOTION FOR
RELIEF FROM STAY**

A preliminary hearing on a motion for relief from stay filed September 30, 2005 by James Al Martin and Margaret E. Martin was held on November 28, 2005. The time for filing a complaint objecting to the discharge of the debtor or to determine the dischargeability of certain debts expired on November 29, 2005. The Martins and their attorney were given notice of the deadline. The Martins failed to file a complaint objecting to discharge within the allotted time frame. No timely motion for an extension of time was filed. As such, any prior state law claim they were attempting to assert against the debtor is time-barred.¹ There is no reason for stay relief to be given. Any debt owed the Martins will be discharged, even if it arose from fraud. The motion for relief from stay must be denied.

¹11 U.S.C. § 523(c)(1); Rule 4007(c), Fed. R. Bankr. Pro.; *In re Santiago*, 175 B.R. 48 (9th Cir. B.A.P. 1994); 9 COLLIER ON BANKRUPTCY, ¶ 4007.04[1][a].

DATED: December 7, 2005.

BY THE COURT

/s/ Donald MacDonald IV
Donald MacDonald IV
United States Bankruptcy Judge

Serve: D. Mertz, Esq.
J. Carney, Esq.
K. Battley, Trustee
U.S. Trustee
12/8/05