

UNITED STATES BANKRUPTCY COURT
For the Southern District of Iowa

In the Matter of

RICHARD E. PETERSEN,
LINDA A. PETERSEN,

Debtors.

Bankruptcy No. 87-970-W

Chapter7

ORDER

On August 11, 1987 the United States of America on behalf of the Agricultural Stabilization and Conservation Service filed a motion for extension of time to file a proof of claim. The government acknowledges that the proof of claim was due August 7, 1987 but contends that, for reasons stated in paragraphs 2 through 4 of the motion, the government needs until August 24, 1987 to file a proof of claim.

The time period for filing a proof of claim or interest is governed by Bankruptcy Rule 3002. Subsection (c) of that rule requires that a proof of claim be filed within 90 days after the first date set for the meeting of creditors. Bankruptcy courts have construed this time frame for filing proofs of claim as a statute of limitation. In re Hatchett, 31 B.R. 833 (Bankr. E.D. Va. 1983).

Bankruptcy Rule 3002(c)(1) does provide an exception to the time bar if the United States files a motion for extension of the time period before the expiration of such period and establishes cause to extend the period. Although a bankruptcy court may extend the time to file the proof of claim, the court may not extend the time period for filing the motion for

extension. In re Pigott, 684 F.2d 239 (3rd Cir. 1982); B.R. 9006(b)(3).¹

WHEREFORE, it is hereby found that the government did not timely file a motion for extension of time to file a proof of claim.

THEREFORE, the motion for extension of time to file a proof of claim is denied.

Signed and filed this 19th day of August, 1987.

LEE M. JACKWIG

U.S. BANKRUPTCY JUDGE

¹ Bankruptcy Rule 3002(c)(6) provides that the court may grant an extension for filing claims against any surplus remaining after allowed claims are paid in full.