

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

**Yvonne L. Rendina,
Debtor.**

**Chapter 13 Case
03-10554**

ORDER
OVERRULING CREDITORS' OBJECTION TO THE TRUSTEE'S FINAL REPORT AND
TO THE DEBTOR'S DISCHARGE

Debtor Yvonne L. Rendina filed for chapter 13 relief in 2003. She listed Robert Northrup as a general unsecured creditor and provided his correct address on her bankruptcy schedules. The Debtor made her final chapter 13 plan payment in September 2007 and the chapter 13 Trustee duly filed his final report in March 2008. In response to that final report, and after the Court had issued an Order Discharging Debtor, creditors Robert and Julia Northrup filed an "Objection to Debtor's Discharge" stating that they had never received notice of the Debtor's bankruptcy filing, and that the Order Discharging Debtor was the first they had heard of the Debtor's bankruptcy (doc. # 21). Due to the lack of notice, they had not filed a proof of claim and had not received any distribution under the chapter 13 Plan. Following two hearings, this Court issued an Order on August 6, 2008 in which it treated the Northrups' "objection to discharge" as a proof of claim, fashioned a limited equitable remedy under 11 U.S.C. § 105 that sustained in part the Northrups' objection based upon lack of notice, and excepted \$109.23 of the Northrups' debt from the Debtor's discharge (the amount the Northrups would have received had they participated in the bankruptcy proceeding) (doc. # 27). The Debtor appealed.

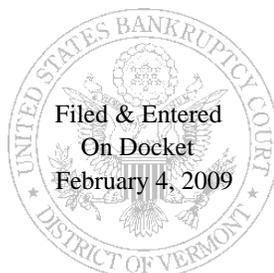
On December 29, 2008, the U.S. District Court issued an Order which reversed that portion of the this Court's Order that sustained the Northrups' objection to discharge, and remanded the matter to this Court (doc. # 37). There has been no appeal of the District Court's Order.

Based upon the District Court's Order, IT IS HEREBY ORDERED that the Northrups' objection to the Debtor's discharge, and any objection to the Trustee's final report, is overruled *in toto*.

IT IS FURTHER ORDERED that the Clerk may close the case.

SO ORDERED.

February 4, 2009
Rutland, Vermont




Colleen A. Brown
United States Bankruptcy Judge