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4 UNITED STATES BANKRUPTCY COURT
5 EASTERN DISTRICT OF CALIFORNIA
6 MODESTO DIVISION
7

8 In re:) Case No. 06-90310-D-7
9)
9 STANISLAUS SCHOOL EQUIPMENT,)
10 INC.,)
11 Debtor.) DATE: November 4, 2009
12) TIME: 10:30 a.m.

13 This memorandum decision is not approved for publication and may
14 not be cited except when relevant under the doctrine of law of
the case or the rules of claim preclusion or issue preclusion.

15 MEMORANDUM DECISION

16 Stanislaus School Equipment, Inc. (the "debtor") filed a
17 Chapter 7 petition on June 23, 2006. Michael McGranahan was
18 appointed as the Chapter 7 trustee and continues in that capacity
19 (the "trustee"). On June 27, 2006 a notice of commencement of
20 case, which included the setting of a claims bar date, was filed
21 and served (the "Notice"). The Notice set a claims bar date of
22 October 18, 2006.

23 On November 2, 2006 the debtor filed a proof of claim on
24 behalf of Michael Santellan, stating an unsecured claim of
25 \$131,000, and a priority claim of \$10,000. This proof of claim
26 is claim number 39 on the court's docket (the "Claim"). The
27 trustee filed an objection to the Claim, asserting that the Claim
28 was not timely filed. The debtor responded to the trustee's

1 objection, asserting that the Claim was timely filed pursuant to
2 FRBP 3004. This rule allows claims to be filed by a trustee or a
3 debtor within 30 days' of expiration of the claims bar date.

4 Although the Claim is signed by Mr. Santellan, he signed the
5 Claim as an officer of the debtor and on behalf of the debtor.
6 Accordingly, the court finds that the Claim was timely filed
7 pursuant to FRBP 3002(c) and 3004. For the reason stated, the
8 trustee's objection to the Claim will be overruled by separate
9 order.

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11 Dated: November 23, 2009

_____/s/_____
ROBERT S. BARDWIL
United States Bankruptcy Judge

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