

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-65523

ROBERT M. JOHNSEN, and  
LINDA M. JOHNSEN,

Chapter 13

Judge Thomas J. Tucker

Debtors.

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**ORDER DENYING, WITHOUT PREJUDICE, MOTION TO ALLOW DEBTOR  
ROBERT M. JOHNSEN TO BE EXCUSED FROM COMPLETING FINANCIAL  
MANAGEMENT COURSE**

This case is before the Court on a motion, purportedly filed by both of the debtors, entitled “Motion to Excuse Debtor, Robert Johnsen, From the Requirement to Complete the Required Course in Personal Financial Management” (Docket # 89, the “Motion”). The Motion, which was filed on January 8, 2015, seeks a waiver of the requirement that Debtor Robert M. Johnsen complete a financial management course and file a Certificate of Completion of Financial Management Course. The Motion states, in ¶ 3, that Debtor Robert M. Johnsen died “on or about September 17, 2014.”

The Motion must be denied because the Motion does not show that it was filed by or on behalf of anyone with standing to seek the relief sought. The Debtor Robert M. Johnsen died more than three months before the Motion was filed, so neither Debtor Linda M. Johnsen nor her attorney had authority or standing to file the Motion seeking relief on behalf of Debtor Robert M. Johnsen .

Only a personal representative duly appointed by the probate court under the laws of the State of Michigan may file a motion seeking relief on behalf of the deceased Debtor, Robert M. Johnsen . See *In re Hamilton*, 274 B.R. 266, 267 (W.D. Tex. 2001) (citing *In re Lucio*, 251 B.R. 705, 708-09 (Bankr. W.D. Tex. 2000)) (“[W]hen a debtor dies, the only person who can then appear on the debtor’s behalf is the person so named as the official representative of the probate estate of the debtor.”); Mich. Comp. Laws Ann. § 700.3103 (stating, in relevant part, that “[e]xcept as otherwise provided in article IV, to acquire the powers and undertake the duties and liabilities of a decedent’s personal representative, a person must be appointed by the register or by court order, must qualify, and must be issued letters”); Mich. Comp. Laws Ann. § 700.3703(3) (stating that “[e]xcept as to a proceeding that does not survive the decedent’s death, a personal representative of a decedent domiciled in this state at death has the same standing to sue and be sued in the courts of this state and the courts of another jurisdiction as the decedent had immediately prior to death”).

Accordingly,

IT IS ORDERED that the Motion (Docket # 89) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of a duly appointed personal representative of the deceased Debtor to file a motion seeking the same relief that was sought by the present Motion. Any such motion must be filed no later than February 10, 2015.

**Signed on January 27, 2015**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**