

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: )  
 ) CASE NO. 17 - 54219 - CRM  
HAROLD LEE ROSBACH, )  
 )  
 ) CHAPTER 13  
 )  
 )  
DEBTOR. )

**MOTION OF THE UNITED STATES TRUSTEE FOR ORDER FINDING  
THAT HAROLD LEE ROSBACH DID NOT FILE  
BANKRUPTCY CASE NUMBER 17-54219**

COMES NOW Guy G. Gebhardt, Acting United States Trustee for Region 21, and hereby requests that the Court enter an order finding that Harold Lee Rosbach did not file bankruptcy case number 17-54219. In support of this motion, the United States Trustee states as follows:

1.

On or about March 6, 2017, a voluntary petition under chapter 13 of the Bankruptcy Code was filed in the name of Harold Lee Rosbach [Docket No. 1].

2.

The United States Trustee has communicated with Mr. Rosbach and believes that Mr. Rosbach did not authorize the bankruptcy filing. The United States Trustee believes that the voluntary petition was completed, signed, and filed with the Court without Mr. Rosbach's knowledge or consent.

3.

The United States Trustee believes that someone filed the voluntary petition in the name of Harold Lee Rosbach for purposes of invoking the automatic stay in order to prevent the foreclosure of real property located at 2823 Fair Oaks Road, Decatur, Georgia 30033. While Mr. Rosbach is the title owner of the Fair Oaks Road property he has not resided in the property for several years.

4.

The signature that appears on the voluntary petition does not belong to Mr. Rosbach. The social security number shown on the petition does not belong to Mr. Rosbach.

5.

Upon information and belief, the unauthorized filing of this bankruptcy case has, *inter alia*, caused Mr. Rosbach great inconvenience and expense.

6.

Mr. Rosbach has executed an affidavit which is attached to this motion as **Exhibit A**.

**RELIEF REQUESTED**

7.

By this motion the United States Trustee seeks the entry of an order finding that Harold Lee Rosbach did not file bankruptcy case number 17-54219-CRM now before this court.

WHEREFORE, the United States Trustee respectfully requests the entry of an order finding that Harold Lee Rosbach did not file bankruptcy case number 17-54219-CRM, and granting such other and further relief as the Court deems necessary and appropriate.

GUY G. GEBHARDT  
ACTING UNITED STATES TRUSTEE  
REGION 21

*s/ David S. Weidenbaum*  
DAVID S. WEIDENBAUM  
GA Bar No. 745892  
United States Department of Justice  
Office of the United States Trustee  
362 Richard B. Russell Building  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303  
(404)-331-4437  
[david.s.weidenbaum@usdoj.gov](mailto:david.s.weidenbaum@usdoj.gov)

**CERTIFICATE OF SERVICE**

I certify that on May 12, 2017, I served a copy of this motion by electronic mail, to ensure delivery to the following:

Julie M. Anania  
Attorney for the Chapter 13 Trustee  
[janania@njwtrustee.com](mailto:janania@njwtrustee.com)

*/s/ David S. Weidenbaum*  
DAVID S. WEIDENBAUM

# EXHIBIT A

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	:	CASE NO. 17 - 54219 - CRM
	:	
HAROLD LEE ROSBACH,	:	
	:	
	:	CHAPTER 13
	:	
DEBTOR.	:	

**AFFIDAVIT OF HAROLD LEE ROSBACH**


I, Harold Lee Rosbach, hereby state the following under penalty of perjury

1. On or about March 7 or 8, 2017, I became aware of a chapter 13 bankruptcy case filed in my name, case number 17-54219-crm, filed on March 6, 2017, in the Northern District of Georgia.
2. I first learned about the filing of the case when I received a phone call from someone asking if I had read an article posted on the internet referencing the fact that I had purportedly filed bankruptcy.
3. I did not authorize the filing of any bankruptcy case..
4. I did not ratify or validate the filing of any bankruptcy case, including case number 17-54219.
5. The petition commencing case number 17-54219 was prepared, signed and filed without my knowledge, authorization or consent.
6. The social security number referenced on the petition commencing case number 17-54219 does not belong to me. I have never used the social security number referenced in the petition.
7. The signature shown on the voluntary petition is not mine. Nor have I ever authorized anybody to sign a bankruptcy petition on my behalf.

# EXHIBIT A

- 8. On the date shown on the petition underneath my signature, March 3, 2017, I was out of the country for at least a month, and unavailable to sign the petition which bares my name.
- 9. The address shown to be where I live on the voluntary petition is incorrect.
- 10. The filing of case number 17-54219, done without my knowledge, authorization or consent, is fraudulent. I am unaware who prepared and filed the petition, but the filing of this case has caused me distress and has harmed my reputation.

Dated this 10 day of April, 2017.

  
 Harold Lee Rosbach

State of FL

County of Broward

Executed and acknowledged before me, the undersigned notary, of this 10 day of April, 2017.

  
 Notary Public

My commission expires: April 13, 2019

