

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

**PROPER PROCEDURE FOR CHANGING  
ASSET STATUS OF CASE**

If the trustee has filed a no asset report, and the Court has issued its order in no asset case, the proper way to change the case to one with possible assets is to file a motion **for relief from the** order in no asset case. Remember that the order in no asset case discharges the trustee. Merely filing a withdrawal of the no asset report, or even a motion to withdraw the no asset report, will NOT reinstate the trustee. Therefore, the proper tool is the motion **for relief from judgment/order**. The order granting the motion **for relief from judgment/order** may also deem the no asset report withdrawn, although the filing of a report of possible assets has the same effect. (If a no asset report has been filed but the Court has not entered its order on same, then a withdrawal of the no asset report is appropriate, and the trustee does not need to file a motion for relief from judgment/order.)

By contrast, if a trustee has filed a report of possible assets and the Court has entered its order in asset case, it is not necessary for the trustee to request **relief from the order** in asset case before filing a no asset report. The order in asset case does not affect the trustee's status, but merely establishes the claims bar date and directs notice of same, and directs the trustee to file an inventory and abandon property - both of which have usually been accomplished with the report of possible assets.

April 27, 2007

Kevin P. Dempsey  
Clerk

**Revised April 13, 2009**

**[to remove references to 'motion to vacate' and replace with references to 'motion for relief from judgment/order']**