Opinion Title: 03/31/2015 UNPUBLISHED Withers v Trust Funds, 13-2096, Judge Mosier.

Body:

Debtors brought adversary proceeding seeking declaratory judgment that Creditor had notice or actual knowledge of Debtors' bankruptcy under § 523(a)(3)(A). Although Creditor did not receive formal notice, Debtors argued that Creditor was given notice of the bankruptcy in two ways: 1) by a telephone call to the Creditor's accountant who in turn advised Creditor's attorney, and 2) by a telephone call between the Debtor and the Creditor's attorney. Because the bankruptcy information provided by the Debtors during the telephone calls was within the scope of the agency of the Creditor's attorney, Creditor was put on notice or inquiry notice of the Debtors' bankruptcy. The Creditor was found to have sufficient notice or actual knowledge of the case in time to file a timely proof of claim.

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Judge: Chief Judge R. Kimball Mosier [2]
Date: Tuesday, March 31, 2015

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