

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:

Burton Douglas Morriss a/k/a
B. Douglas Morriss a/k/a Doug Morriss

Chapter 7

Case No. 12-40164-A659

Debtor,

**MOTION TO EXTEND DEADLINE TO OBJECT TO DEBTOR'S DISCHARGE
OR CHALLENGE DISCHARGEABILITY OF CERTAIN DEBTS**

COMES NOW Eric Sarasin, by and through his attorney of record, and moves this Court for an Order extending the deadline to object to Debtor's discharge or to challenge the dischargeability of certain debts, and as grounds shows unto the Court as follows:

1. Burton Douglas Morriss ("Debtor") originally filed for relief under Chapter 11 of the Bankruptcy Code on January 9, 2012. His case was converted to a Chapter 7 on February 13, 2012.
2. Under the Order and Notice of the First Meeting (Doc. 52), the First Meeting of Creditors was scheduled for March 8, 2012. Under that same Order the deadline to object to Debtor's discharge or to challenge dischargeability of certain debts is set for May 7, 2012.
3. On or about February 9, 2012, Debtor, through his attorney, filed a Statement Concerning Debtor's Schedules and Statement of Financial Affairs ("Statement"). In said Statement, Debtor disclosed that he is the subject of an ongoing criminal investigation and as such was asserting his Fifth Amendment privilege under the U.S. Constitution. He further stated that he would not file his Schedules "unless and until he can be certain that they are true and complete." (Doc. 44 at 4).
4. No Schedules have been filed. The Debtor invoked his Fifth Amendment privilege at the First Meeting of Creditors.

5. Under Bankruptcy Rule 4007(c), any complaint to determine the dischargeability of a debt under 11 U.S.C. §523(c) is to be filed no later than sixty (60) days after the first date set for the Meeting of Creditors under 11 U.S.C. §341(a). Under that same Rule the Court may extend the time fixed for complaints to be filed to determine dischargeability of a debt. Presently, the time fixed (May 7, 2012) should be extended indefinitely until Debtor is in a position to file complete Schedules and Debtor is in a position to respond to questions at his First Meeting of Creditors or a 2004 Examination without having to invoke his Fifth Amendment privilege.

6. Eric Sarasin holds certain promissory notes signed by Debtor on behalf of Acartha Group, LLC. Sarasin is investigating the facts and circumstances of the Debtor's self-dealing and commingling of corporate and individual funds. Debtor's action might very well lead to an action seeking that Debtor be found individually liable to Mr. Sarasin and such liability be held non-dischargeable under 11 U.S.C. §523.

WHEREFORE, Eric Sarasin respectfully requests this Court to indefinitely suspend the deadline date in which to file a complaint objecting to the discharge or the dischargeability of a certain debt until such time as Debtor has filed all of his Schedules and can testify at his First Meeting of Creditors and/or a 2004 Examination without the necessity of invoking his Fifth Amendment privilege, and grant such other relief as is just.

DATED this the ____ day of March, 2012.

Respectfully submitted

/s/Frank H. Tomlinson
Frank H. Tomlinson (ASB-7042-T66F)
2100 First Avenue North, Suite 600
Birmingham, AL 35203
Telephone: (205) 326-6626
Facsimile: (205) 328-2889

htomlinson@bellsouth.net

*Attorney for Eric Sarasin
Pro-hac vice*

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all parties by Notice of Electronic Filing, or, if the a party does not participate in Notice of Electronic Filing, then by U.S. First Class Mail, hand delivery, fax or email on this the 12th day of March, 2012.

/s/Frank H. Tomlinson

OF COUNSEL