

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

IN RE:

**Case No. 97-34805-BKC-SHF
Chapter 13 Proceeding**

RANDOLPH E. WALDRON,

Debtor. _____/

ORDER CLARIFYING RECORD AS TO IDENTITY OF DEBTOR

THIS CAUSE came on to be considered upon receipt of correspondence from Randolph Ezekias Waldron, Jr. requesting that the record be clarified to reflect that he (Randolph Ezekias Waldron, Jr.) is not a debtor in this bankruptcy case, but that instead, his father, Randolph E. Waldron, is the debtor in this case. The Court, having considered the proffer of Randolph Ezekias Waldron, Jr. , and for the reasons set forth below, hereby clarifies the record of this proceeding to verify that Randolph Ezekias Waldron, Jr., Social Security Number 023-62-9330, **is not** the debtor in the referenced bankruptcy proceeding.

In support of his assertion that the Debtor (Randolph E. Waldron) has been usurping the identity of his son (Randolph Ezekias Waldron, Jr.), Randolph Ezekias Waldron, Jr. provided various documents. Most prominent and dispositive of the claim of Randolph Ezekias Waldron, Jr. is the affidavit executed by Randolph Ezekias Waldron (the father). In the affidavit, the Debtor acknowledges that he fraudulently used Social Security Number 023-62-9330, which is the Social Security Number for Randolph Ezekias Waldron, Jr. To corroborate the foregoing, the younger Mr. Waldron has provided copies of his Massachusetts driver's license and his United States passport, both bearing his photograph, which depict a male obviously in his early twenties. According to the Debtor's Schedule I - Current Income of Individual Debtor, the debtor was 46 years old as of the September 29, 1997 petition date, thereby rendering the Debtor 52 years of age presently. It is thus

quite obvious that Randolph Ezekias Waldron, Jr. is not the same individual who filed Case No. 97-34805-BKC-SHF on September 9, 1997, under the name Randolph E. Waldron, using Social Security Number 023-62-9330.

The Court further notes that, among the documents provided by Randolph Ezekias Waldron, Jr. is a statement from the Social Security Administration evidencing annual income for Randolph Ezekias Waldron, Jr. from 1986 through 2001. The statement reflects that for 1986 and 1987, Randolph Ezekias Waldron, Jr. earned \$24,926 and \$15,700, respectively. Based upon the Driver's License and Passport provided by Randolph Ezekias Waldron, Jr., he would have been five years old and six years old in 1986 and 1987. It thus appears that the Debtor has misused the identity of his son, perhaps to hide the extent of his income and thereby to evade the payment of federal income taxes.

Pursuant to 18 U.S.C. § 157(3), a person who

...having devised or intending to devise a scheme of artifice to defraud and for the purpose of executing or concealing such a scheme or artifice or attempting to do so...

(3) makes a false or fraudulent representation, claim, or promise, concerning or in relation to a proceeding under Title 11...

shall be fined under this title, imprisoned not more than 5 years, or both.

It appears that the Debtor may have violated the referenced statutory provision. In any event, it is hereby

ORDERED and ADJUDGED that Randolph Ezekias Waldron, Jr. , Social Security Number 023-62-9330 is not the individual who filed the above-referenced bankruptcy proceeding.

ORDERED in the Southern District of Florida this 13th day of May, 2003.

STEVEN H. FRIEDMAN
U. S. Bankruptcy Judge