UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:	)	
	)	
CONSOLIDATED INDUSTRIES CORP.	)	CASE NO. 98-40533
	)	
	)	
Debtor	)	

DECISION AND ORDER ON OBJECTION TO CLAIM

At Fort Wayne, Indiana, on June 11, 2007.

The trustee has objected to two claims, filed on behalf of Standard Shank Heating and A.C., Inc.., designated by the clerk as claim number 158 and claim number 211. There has been no response to this objection within the time required by the local rules of this court, N.D. Ind. L.B.R. B-3007-1(b), and the matter is now before the court.

As to claim number 158, the trustee asks that it be denied because it has been "superseded, amended, and/or duplicated" by claim number 211. Unfortunately, he does not specify which shortcoming he is complaining about, and it matters. If claim number 158 has been duplicated by claim number 211 – so that the creditor has literally filed the same claim twice – the objection is well taken. The creditor is entitled to only one claim against the estate. If, however, claim number 158 has been superseded or amended by claim number 211, the trustee does not even need to address it. It is no longer pending before the court and of no further force or effect. Cf. 188 LLC v. Trinity Industries, Inc., 300 F. 3d 730,736 (7th Cir. 2002) ("An amended pleading ordinarily supersedes the prior pleading. The prior pleading is in effect withdrawn . . . and becomes functus officio."); Kelley v. Crosfield Catalysts, 135 F. 3d 1202,1204-1205 (7th Cir. 1998) (same).

As for claim number 211, the trustee's states that it should be allowed as a general unsecured

claim. As far as the court can tell, the trustee is not objecting to this claim at all, and if he is, has provided no basis for any objection he might have.

IT IS THEREFORE ORDERED that the trustee's objections to claim number 158 and claim number 211 filed on behalf of Standard Shank Heating and A.C., Inc. are overruled, without prejudice.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court