

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 8, 2007.

The trustee has objected to two claims, filed on behalf of Solar Supply, Inc., designated by the clerk as claim number 148 and claim number 260. 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As to claim number 148, the trustee asks that it be denied because it has been “superseded, amended, and/or duplicated” by claim number 260. Unfortunately, he does not specify which shortcoming he is complaining about, and it matters. If claim number 148 has been duplicated by claim number 260 – 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 If, however, claim number 148 has been superseded or amended by claim number 260, the trustee does not even need to address it.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 The prior pleading is in effect withdrawn .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 260, the trustee’s objection states that it is not a priority claim and

should not be accorded priority status. Further, the trustee states that the amount owed by the debtor is less than the amount listed on the claim, and, as a result, Solar Supply's claim should be reduced from \$251,249.40 to \$146,752.90. Given the lack of response, that objection, it is well-taken.

IT IS THEREFORE ORDERED that the trustee's objection to:

1. Claim number 148 filed on behalf of Solar Supply, Inc. is overruled, without prejudice.
2. Claim number 260 filed on behalf of Solar Supply, Inc. is sustained and that claim is allowed as a general unsecured claim in the amount of \$146,752.90.

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