

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
LYNN MARIE TOMONDI,) CASE NO. 07-23389 JPK
) Chapter 13
Debtor.)

ORDER ON OBJECTION TO CLAIM #4 FILED BY
THE LAKE COUNTY TREASURER ("OBJECTION")

The Objection, filed on June 2, 2008, requests disallowance of Claim #4 filed by the Lake County Treasurer on the basis that "the Debtor's real estate taxes are paid by her mortgage holder pursuant to an escrow agreement between the parties". While the court takes that statement as true, that assertion provides no basis for disallowance of the claim. The lien established by state law with respect to the real property taxes asserted in the claim attaches to property of the bankruptcy estate, and thus those taxes constitute an allowed secured claim which must be provided for by the debtor's plan pursuant to 11 U.S.C. § 1325(a)(5). Additionally, under applicable Indiana law, the debtor is personally liable for the real estate taxes asserted in the claim. There is therefore nothing invalid about the claim, and the debtor's objection must be denied.

The court notes that the debtor appears to be objecting in order to assert that the claim should not be required to be separately provided for apart from the escrow arrangement with the debtor's lender. It is perfectly permissible for the debtor's plan to provide for payment of this claim by means of the third-party escrow arrangement, rather than by direct payments from the Trustee to the creditor. That manner of payment is to be addressed by the debtor's plan: it has no effect on the validity of the claim.

IT IS ORDERED the foregoing Objection is denied.

Dated at Hammond, Indiana on July 23, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee