

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)	CASE NO.	08-10940
)	CHAPTER	7
TODD EMANNUEL ABERCROMBIE)		
LORI ANN ABERCROMBIE)		
)		
Debtors)		

DECISION

At Fort Wayne, Indiana, on February 5, 2009

In this chapter 7 case, Deutsche Bank National Trust Company as Trustee has filed a motion for relief from the automatic stay of § 362(a) and for the abandonment of its collateral from the bankruptcy estate. All creditors and parties in interest have been given notice of both the motion and the opportunity to object thereto and no objections have been filed within the time required - with the exception of an objection from the debtors.¹ That objection is the subject of this decision.

The court notes that a discharge was entered in this case on July 14, 2008. Doing so terminated the automatic stay as to all actions except those against property of the bankruptcy estate. See, 11 U.S.C. § 362(c)(1), (2)(C). Consequently, the only reason that the property subject to the creditor's lien continues to be protected by the automatic stay is because it remains property of the bankruptcy estate. See, 11 U.S.C. § 362(a)(3), (4). As to that issue, however, the court has previously determined that a chapter 7 debtor lacks standing to object to the abandonment of property from the bankruptcy estate. See, Matter of Drost, 228 B.R. 208 (Bankr. N.D. Ind. 1998). Since the debtor lacks standing to object to abandonment, once that part of the creditor's request is

¹Since debtors' objection has not been signed by counsel, it does not comply with Bankruptcy Rule 9011(a) and is potentially subject to being stricken. However, in view of debtors' lack of standing to object to the motion, requiring counsel to sign and/or re-file the objection would serve no purpose.

granted, the last vestiges of the automatic stay will be eliminated. Under these circumstances, there is no reason to give further consideration to the debtors' objection.

Debtors' objection to the motion for relief from stay and abandonment filed on behalf of Deutsche Bank National Trust Company as Trustee is overruled, and that motion should be granted. An order doing so will be entered.

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