

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
) CASE NO. 03-12083
) CHAPTER 7
THE INCREDIBLE CAR STORE, INC.)
)
)
Debtor)

DECISION AND ORDER DENYING OBJECTION TO CLAIM

At Fort Wayne, Indiana, on February 27, 2009.

The trustee has objected to a claim filed on behalf of Star Financial Bank which has been designated by clerk as claim no. 14. 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 before the court for a decision.

The trustee asks that the claim be denied because it has been superseded by a subsequent claim which, because of the lack of any objection, is being allowed. Admittedly, the creditor is entitled to only one claim against the estate. But, since its original claim has been superceded or amended by the subsequent claim, the trustee does not even need to address the earlier filed claim. That claim is no longer pending before the court and of no further force or effect. See Cf., Johnson v. Dossey, 515 F.3d 778, 780 (7th Cir. 2008)(“When an amended complaint is filed, the prior pleading is withdrawn and the amended pleading is controlling.”); 188 LLC v. Trinity Industries, Inc., 300 F.3d 730, 736 (7th Cir. 2002); Kelley v. Crosfield Catalysts, 135 F.3d 1202,1204-05 (7th Cir. 1998).

IT IS THEREFORE ORDERED that the trustee’s objection to claim no. 14 filed by Star Financial Bank is overruled.

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