

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JACKSON T. WARD,) CASE NO. 09-20326 JPK
) Chapter 13
Debtor.)

ORDER ON OBJECTION TO CLAIM #7

On May 20, 2009, the debtor, by counsel, filed an objection to claim #7 of HFC. Proper notice and service of the objection is established by the record; there was no response to the objection.

The focus of the objection is its assertion of status as a secured claim. Attached to the claim is documentation which establishes that the creditor obtained a judgment against the debtor in an Indiana court of record. This judgment, when entered on the docket record of the trial court, constitutes a lien on real property of the debtor located in the county in which the court was located. Schedule A filed by the debtor states that the debtor has no interest in real estate and thus there is no judgment lien with respect to real estate which might give rise to a secured claim. The mere docketing of a judgment does not provide a creditor with a lien in personal property, and there is no evidence in this claim that the creditor undertook the necessary action to obtain a lien on any personal property of the debtor. Thus, the claim is unsecured with respect to any interests of the debtor in personal property. However, the claim does evidence a liquidated debt of at least the amount of that asserted in the claim.

IT IS ORDERED that claim #7 is disallowed as a secured claim, but is allowed as a general unsecured claim in the amount stated in the claim.

Dated at Hammond, Indiana on July 2, 2009.

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

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