

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MICHAEL WILLIAM ARMSTRONG, JR.) CASE NO. 09-22470 JPK
) Chapter 13
Debtor.)

ORDER REGARDING OBJECTION TO CITIFINANCIAL
CLAIM #1-1 ["OBJECTION"]

The Objection was filed by the Chapter 13 Trustee on September 8, 2009; the Objection was properly noticed to the claimant, and no response to the objection has been filed. The premise of the Objection is that the claim lacks documentation for its assertion of secured status, a ground with which the court agrees. However, the prayer for relief stated in the Objection requests that the claim be disallowed, which the court deems to be overbroad: the claim does not establish its assertion of secured status, but the claim does state a claim for "a debt" to which the trustee has not objected.

IT IS ORDERED that the Objection is sustained to the extent that the secured status of the claim is disallowed; provided, however, that CitiFinancial is granted 30 (thirty) days from the date of entry of this order to file an amended claim with documentation which establishes its secured status, including but not necessarily limited to a copy of the security agreement between the debtor and the creditor and a copy of any document necessary to perfect that security interest under applicable law.

IT IS FURTHER ORDERED that the Trustee's objection is denied to the extend of the claim's statement of a debt against the debtor, and the claim is allowed in the amounts stated as a general unsecured claim at this time.

Dated at Hammond, Indiana on October 29, 2009.

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

Distribution:

Debtor, Attorney for Debtor, Trustee, US Trustee
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