

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
JANICE D. HOGAN) CASE NO. 03-14275
)
)
Debtor)

DECISION AND ORDER

At Fort Wayne, Indiana, on June 8, 2005

On June 1, 2005, the court received a letter from Nora Gleason, a creditor of the debtor, “asking the court to deny the motion filed by Janice Hogan” This is somewhat confusing because the court has no pending motion before it filed either by or behalf of Janice Hogan. Janice Hogan is the debtor in this chapter 7 case, which was filed a year and a half ago. The court does note that the trustee administrating this case, Martin Seifert, filed an application for compensation and objections to it were to have been filed on or before Friday, May 27. Although Ms. Gleason’s letter does not purport to be objecting to that application, perhaps that is what she had in mind. Such an objection, however, would be late; objections were due by May 27th and Ms. Gleason’s letter was not received until June 1. Furthermore, the court’s review of the claims docket in this case reveals that Ms. Gleason has not filed a proof of claim. As a result, she would lack standing to object to the administration of the bankruptcy estate or the determination of the claims against it. More importantly, the stated reason for the objection – that Ms. Gleason should be paid – is insufficient as a matter of law. No distribution can be made from the bankruptcy estate until all the claims against it have been determined and those claims include the expenses of the administration. See,

11 U.S.C. § 503(b). Once all of the various claimants have been identified and the amount of their claims determined, whatever monies might be available for distribution can then be distributed in accordance with priorities which Congress has set out in § 507 of the United States Bankruptcy Code. Consequently, the mere fact that a creditor has not yet been paid is not a valid reason to object to someone else's claim because until all claims have been determined no distribution can be made on account of any pre-petition claim.

Although the court is generally very indulgent of the pro se filings it so often receives, this submission is more deficient than most. Taking it at face value it is objecting to something that has not even been filed with the court – a motion filed by Janice Hogan. Construing it as an objection to the trustee's application for compensation it is late, filed by a party who no longer seems to have standing to participate in this case and the stated reason for the objection is insufficient as a matter of law. The objection filed by Nora Gleason is therefore OVERRULED. See, N.D.Ind.L.B.R. B-9014-1(a).

SO ORDERED.

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