

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
ELIAS PERALES,) CASE NO. 13-22897 jpk
) Chapter 7
Debtor.)

ORDER CONCERNING ELIAS PERALES RESPONSE TO APPLICATION
FOR ABANDONMENT OF REAL ESTATE AND RELIEF FROM STAY ["RESPONSE"]

The Response was filed by the debtor – who is proceeding pro se in this case – as Record No. 41 on February 20, 2014. The Response relates to a motion for stay relief/abandonment filed by CitiMortgage, Inc., filed as Record No. 29 on January 22, 2014.

First, the objection deadline with respect to the creditor's motion was February 18, 2014. The court entered an order granting the motion on February 19, 2014. The Response was filed on February 20, 2014, and was thus not timely filed. The Response now relates to a final order by the court, a matter which cannot be addressed by the mechanism of a response/objection to the motion. More importantly, the Response is based upon a common misperception by debtors and attorneys concerning motions for stay relief/abandonment filed by creditors in Chapter 7 cases. The sole issue presented by such a motion in a Chapter 7 case is whether or not the property which is the subject of the motion has value sufficient to provide equity which may be administered by the Chapter 7 Trustee for the benefit of the estate. If there were, the Trustee would sell the property and then administer that portion of the sales proceeds available to the bankruptcy estate for the benefit of the debtor's creditors and expenses of the administration of the bankruptcy. In this case, the Trustee did not object to the motion of the creditor, and the Response does not state any cognizable basis for denying the creditor's motion. Whatever process the debtor may be involved in with the creditor concerning a loan modification or otherwise concerning the debt is not an issue involved with respect to the matters presented by the creditor's motion.

IT IS ORDERED that any relief requested by the Response is denied.

Dated at Hammond, Indiana on March 13, 2014.

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

Distribution:

Debtor, pro se

Trustee, US Trustee

CitiMortgage, Inc., Stacy J. DeLee, 155 E. Market Street, Suite 605, Indianapolis IN 46204-3219