

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:

RICHARD WILLIAM LAIRD and  
KAREN DENISE LAIRD,

Debtors.

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BANKRUPTCY NO. 03-66066 JPK  
Chapter 7

ORDER ON TRUSTEE'S OBJECTION TO CLAIM

\_\_\_\_\_ The trustee filed an objection to claim number 2 of Debbie J. Wells on June 16, 2005. The record establishes that proper notice of this objection was provided to the creditor, and that no response was filed. However, the trustee must still assert valid grounds for denial of the claim in order to overcome the presumption of validity provided by both 11 U.S.C. § 502(a) and Fed. R. Bank. P. 3001(f). In this instance, the basis for the objection is that the claimant failed to list an amount on the claim; despite that fact, the trustee proposes to allow the claim in the amount of \$5,000.00 because the debtors' schedules acknowledge a debt to this creditor in the amount of \$5,000.00.

First, the only exceptions for the filing of a proof of claim are those stated in Fed. R. Bank. P. 3002(a), none of which apply here, and thus whatever the debtors' schedules might state as to amount of indebtedness do not constitute a claim filed by a creditor which allows that creditor to participate in distribution in a chapter 7 case. More importantly, creditor Debbie Wells has filed a claim for \$6,950.00. The claim which she filed has two pages, and the although there is no dollar amount stated on the first page, the second page which was filed integrally with the first asserts that the amount of the debt is \$6,950.00, and in fact is much more itemized than most claims filed in this court are. The Court finds that Debbie J. Wells has filed a claim which asserts an unsecured indebtedness in the amount of \$6,950.00, and that the trustee's objection should be denied.

IT IS ORDERED that Debbie J. Wells shall have an unsecured claim, not entitled to priority, in this case in the amount of \$6,950.00.

Dated at Hammond, Indiana on August 3, 2005.

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

Distribution:  
Debtors, Attorney for Debtors  
Trustee, US Trustee  
Creditor