



IT IS ORDERED as set forth below:

Date: December 23, 2009

James E. Massey

James E. Massey
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

_____|
IN RE:

CASE NO. 09-81051

William Randolph Terrell,

CHAPTER 13

Debtor.
_____|

JUDGE MASSEY

ORDER DENYING OBJECTION TO CLAIM

Debtor filed an objection (Doc. No. 44) to the claim of Department Stores National Bank/Macys Tsys Debt Mgmt, Inc. (Claim No. 1) in the amount of \$424.68, on the ground that the creditor failed to respond to a request for verification of the debt, a copy of which is attached to the objection. The subject line of the request states "Objection to Claim; Dispute of Debt pursuant to the Fair Debt Collection Practices Act." As the objection acknowledges, however, Debtor swore under oath in Schedule F that he owed this creditor a debt in the amount of \$431. Hence, Debtor cannot dispute the claim because he admitted that he owes this creditor more than

the amount of the proof of claim. The creditor's failure to respond to the so-called request for verification is not a basis for objecting to the claim under 11 U.S.C. § 502(b).¹

The lack of factual or legal support for the objection to this claim is disturbing. Other objections to claims filed by Debtor (Doc. Nos. 45 and 48-55) following the same pattern should promptly be either amended to state a valid basis for disallowing the claim under 11 U.S.C. § 502(b) or withdrawn.

Because the objection fails to state any valid basis for disallowing the claim that Debtor has sworn he owes, the objection is DENIED.

END OF ORDER

¹ The Court notes that with respect to certain other objections to claims that Debtor filed in this case, the amount stated in the claim is greater than the amount of debt stated on Schedule F. The proofs of claim to which objections have been filed do not include any documents to support the claims, such as a billing statement, invoice or note. Debtor could legitimately object to such a proof of claim to the extent the amount claimed exceeds the amount of the debt admitted by Debtor in Schedule F on the ground that the proof of claim lacks supporting documents for the additional amount of the claim.