

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

ENTERED ON DOCKET
AUG 17 2006

IN THE MATTER OF:	:	CASE NUMBER
	:	
RICHARD C. MIMS,	:	05-12118-WHD
	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 11 OF THE
DEBTOR.	:	BANKRUPTCY CODE

ORDER

Before the Court is the objection to the claim of John Raulins. (hereinafter "Raulins"), filed by Richard C. Mims (hereinafter the "Debtor"). This matter is a core proceeding, over which this Court has subject matter jurisdiction. *See* 28 U.S.C. § 157(b)(2)(B); § 1334.

The Debtor filed a voluntary petition under Chapter 11 on June 24, 2005. On February 2, 2006, Raulins filed proof of an unsecured claim in the amount of \$49,795.31. The proof of claim indicated that the amount owed was for repairs to the Raulins property and for unpaid rent. The Debtor objects to the amount sought.

Having considered the testimony presented by the Debtor and Raulins, the Court makes the following findings of fact. The Debtor and his family rented a house from Raulins under a lease that began on September 12, 2000 (hereinafter the "Lease"). The Debtor paid Raulins a security deposit of \$2,400, which was never returned to the Debtor. The Lease expired in May 2002. However, the Debtor remained in the property on month-to-month basis until the end of January 2003. During the time of his occupancy of the


property, the Debtor paid rent as required by the Lease through January 2003. The Debtor was required to provide Raulins with ten days notice prior to moving out of the property. The Debtor's wife provided such notice in accordance with the parties' agreement.

When the Debtor and his family moved out of the property, they did not clean the property, and Raulins was required to spend approximately \$7,000 on cleaning and repairing the home. While living in it, the Debtor made some improvements to the property, such as the installation of a garbage disposal, a fence, French doors, and a gas range.

The Court hereby concludes that Raulins is entitled to a claim for \$7,000 for the cost of cleaning and repairing the property. The Court finds insufficient evidence to support Raulins entitlement to any additional amounts. This figure shall be reduced by the \$2,400 security deposit received by Raulins and by \$1,000 for the approximate value of the improvements made by the Debtor to the property while occupying it. Accordingly, the claim filed by Raulins is hereby reduced to \$3,600.

IT IS SO ORDERED.

At Newnan, Georgia, this 17 day of August, 2006.



W. HOMER DRAKE, JR.
UNITED STATES BANKRUPTCY JUDGE

CASE NO.: 05-12118

COUNSEL IS SERVING:

A handwritten signature in cursive script, reading "Karen Bristol", positioned above a horizontal line.

Karen Bristol

Courtroom Deputy Clerk to Judge Drake

August 16, 2006