

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

In re: BRYAN E. CROMER AND
LEE A. CROMER,

Debtors

Case No. 04-31618

Judge L. S. Walter
Chapter 7

DECISION OVERRULING TRUSTEE'S OBJECTION TO CLAIM

DISPOSITION

The Chapter 7 Trustee filed an objection to the claim of a credit card claimholder requesting disallowance of the claim primarily because of the failure to attach sufficient supporting documentation. For the reasons set forth in the *Burkette* decision, the court concludes that the Trustee's objection is without merit. An objection to a claim based solely on lack of documentation or deviation from the Official Form does not provide a substantive basis for disallowing the claim, especially if a debtor acknowledges the claim as a legitimate debt in his or her schedules.

FACTUAL AND PROCEDURAL BACKGROUND

On January 20, 2005, Chapter 7 Trustee Thomas R. Noland (“Trustee”) filed an objection to several claims in the bankruptcy case of Bryan E. and Lee A. Cromer (“Debtors”). [Doc. 26.] The Trustee primarily objects because of an alleged lack of proper documentation attached to creditors’ proofs of claim.¹ One credit card claimholder, Chase Manhattan Bank, USA, NA fka Bank One Delaware, NA fka First USA (“Chase Manhattan”), filed a response [Doc. 27] to the Trustee’s objection. Chase Manhattan further filed a supplemental response [Doc. 29] and amended the proof of claim at issue to provide additional documentation requested by the Trustee. [Proof of Claim # 7 amending # 1.]

In the response to the Trustee’s objection, Chase Manhattan argues that the documentation requested by the Trustee, including the Debtor’s full credit card account number, credit card application, itemized statement of interest, fees and other charges and monthly account statements are not required by the Bankruptcy Code or related rules. Consequently, Chase Manhattan argues that the omission of these documents and information from a proof of claim does not form a basis for disallowance of the claim. On March 17, 2005, the court held a hearing to consider the Trustee’s objection as well as similar objections filed by the Trustee in other bankruptcy cases. The parties filed supplemental briefs following the hearing [Docs. 33 and 36] and the court is now prepared to render its decision.

¹ The Trustee also objects to the failure of creditors to check the box in paragraph 4 of Official Form 10 and minor modifications to the Official Form. The full text of the Trustee’s objection to the creditor’s claim at issue in this decision is as follows:

Trustee’s objection to the proof of claim filed by Bank One Delaware (now Chase Manhattan) (#1):

“Disallow, checked “other” in paragraph 1 of the POC, when account is for money loaned for credit card purchases, failed to check paragraph 4 despite interest and other charges assessed on unpaid balances, failed to provide documents to support claim required by paragraph nine, provided on summary on account, failed to provide account number on account, redacting of account not required on non-financial account.”

LEGAL ANALYSIS

Because of the similarity of objections filed by the Trustee in several cases before the court, the court has decided to adopt the legal analysis and reasoning written in the court's decision on the Trustee's objection entered on September 15, 2005 in the case of *In re Charles J. Burkette, III*, Case No. 04-34826, Docket # 48.

Applying the law to this case, the court will begin by emphasizing that a trustee's objection to a claim based on the omission of a complete account number is without merit. The court will not require a full credit card account number on a public document filed with this court. Such a requirement not only compromises a debtor's privacy, but also conflicts with current laws protecting sensitive financial information as well as the court's own Administrative Procedures for Electronic Case Filing and revisions to Official Form 10.

The Trustee's remaining bases for objecting to the claim at issue in this case are not substantive in nature and do not question the validity, ownership or amount of the claim. Instead, the objection primarily focuses on the lack of appropriate documentation attached to the proof of claim as purportedly required by Rule 3001 and/or Official Form 10 and the failure to precisely comply with the Official Form. [See Doc. 26.] Lack of documentation, alone, is not a statutory basis for disallowance of a claim nor can Rule 3001 and Official Form 10 expand on the statutory bases for disallowance. Furthermore, the claim may be verified against the Debtors' schedules in which the Debtors acknowledged the validity of their debt to this claimant. [See Doc. 1, Schedule F.]

The court holds that the Trustee's objection based on a lack of documentation attached to the proof of claim does not provide the court with a basis for disallowing the claim. The court concludes that the Trustee's objection is without merit and is overruled.

For future guidance, the court recommends that trustees compare the proofs of claim filed in a case against the debtor's schedules. To the extent they do not match, and the proofs of claim are not substantiated by attachments, a trustee may have a basis for a substantive objection based on the dissimilarities. However, the substantive basis for the objection must be described clearly in the trustee's objection.

WHEREFORE, the court overrules the Trustee's objection to the proof of claim filed by Chase Manhattan Bank, USA, NA: Proof of Claim # 1 as amended by Proof of Claim # 7.

SO ORDERED.

cc:

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