

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

IN RE:)
)
Charles and Sylvia Calhoun,) Case No. 19-13931
)
Debtors.)

ORDER OVERRULING OBJECTIONS TO CLAIMS (DOCS. 33, 34, 35)

The debtors filed this chapter 13 case in November 2019. In their confirmed chapter 13 plan, they surrendered real property located at 8744 Old Pascagoula Road to creditor Regions Bank. Kim Hastie, Mobile County Revenue Commissioner, filed proofs of claim (claim nos. 9, 10, and 11) for property taxes on 8744 Old Pascagoula Road for 2019, 2020, and 2021. The debtors have objected to those claims and request that the court disallow the claims because they surrendered the property in their plan.

The confirmed plan surrendering the property did not in itself transfer title to Regions Bank. *See, e.g., In re Arsenault*, 456 B.R. 627, 629-31 (Bankr. S.D. Ga. 2011); *In re Achinuvu*, 612 B.R. 860, 866 (Bankr. D.N.J. 2020); *see also generally In re Rose*, 512 B.R. 790 (Bankr. W.D.N.C. 2014). There is no evidence that Regions Bank has foreclosed on 8744 Old Pascagoula Road and the proofs of claim, which are entitled to prima facie validity, show that the debtors are still the title owners of the property. The debtors thus remain liable for the tax debt and the court overrules the objections (docs. 33, 34, 35).

Dated: August 1, 2022


HENRY A. CALLAWAY
U.S. BANKRUPTCY JUDGE