

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

IN RE: )  
 )  
HAWTHORNE ECHOLS, JR., ) Case No. 17-00996  
 )  
Debtor. )

ORDER OVERRULING OBJECTION TO CLAIM

This matter is before the court on the debtor’s objection (doc. 37) to ECF claim number 9 filed by creditor LVNV Funding, LLC its successors and assigns as assignee of Golden Caps Trust (“LVNV”). For the reasons discussed herein, the court overrules the objection and allows LVNV’s unsecured claim number 9 as amended.

Federal Rule of Bankruptcy Procedure 3001 states in pertinent part that “when a claim . . . is based on a writing, a copy of the writing shall be filed with the proof of claim.” “When a proof of claim contains all the information required under Rule 3001, it ‘constitute[s] prima facie evidence of the validity and amount of the claim.’” *In re Walston*, 606 F. App’x 543, 546 (11th Cir. 2015) (citing Fed. R. Bankr. P. 3001). “The burden then shifts to the objecting party to come forward with enough substantiations to overcome the claimant’s prima facie case.” *Id.* (citation and quotation marks omitted). Simply put, under Rule 3001, “when a claimant attaches the documents required under the rule, it may refrain from presenting additional evidence because the documents establish prima facie evidence of the validity of the claim.” *See id.* at 547 (citation, quotation marks, and brackets omitted).

The debtor listed an unsecured debt owed to Lending Club in the amount of \$15,972.96. (*See* amended schedules, doc. 30). Lending Club has not filed a claim, and the time for doing so has expired. LVNV filed a timely unsecured claim in the amount of \$16,662.59. It then

amended the claim, including attaching documents to its proof of claim evidencing the original Lending Club debt and documents showing that it ultimately acquired that debt.

The debtor does not object to the amount in LVNV's claim, but argues that the documents supporting the claim are inadmissible as evidence and do not adequately show how LVNV acquired the subject debt. However, LVNV has attached sufficient documentation of the debt to its proof of claim to satisfy Rule 3001, which does not contain an admissibility requirement. Its proof of claim is prima facie evidence of the validity of its claim under Federal Rule of Bankruptcy Procedure 3001(f). The debtor cannot overcome the prima facie validity of the claim simply by objecting, but must come forward with evidence to negate a fact set forth in the proof of claim. He has not done so. Accordingly, the court overrules the debtor's objection (doc. 37) to LVNV's unsecured claim number 9 and allows that claim as amended.

Dated: December 12, 2017

  
HENRY A. CALLAWAY  
CHIEF U.S. BANKRUPTCY JUDGE