

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

IN RE: )  
 )  
BRANDON ELLARD, ) Case No. 18-4971  
 )  
Debtor. )

ORDER OVERRULING WITHOUT PREJUDICE DEBTOR’S OBJECTION TO CLAIM

This chapter 7 case is before the court on the chapter 7 debtor’s objection (doc. 100) to claim no. 2 of Avadian Credit Union. The trustee has not filed a report of assets, and no claims bar date has been set. “Generally, a Chapter 7 debtor does not have standing to object to claims because the debtor has no pecuniary interest in the distribution of the estate’s assets.” *In re Cannon*, No. 15-30451-KKS, 2017 WL 3491825, at \*1 (Bankr. N.D. Fla. June 5, 2017).

“Exceptions to the general rule include: 1) where there could be surplus that would inure to the debtor’s benefit; or 2) where a claim will not be discharged.” *Id.*; *see also generally In re Mohr*, 538 B.R. 882 (Bankr. S.D. Ga. 2015).

Here, even if the debtor “had standing, it is premature to consider objections to claims because the Trustee has not collected any assets for distribution to creditors.” *See In re Cannon*, 2017 WL 3491825, at \*1. At such time as there is money to distribute to creditors or if a determination is made that the debtor will not receive a discharge, then the debtor may have standing to pursue an objection to claim no. 2. *See id.* at \*1-2. As it currently stands, however, the court overrules the debtor’s objection to claim without prejudice.

Dated: August 4, 2020

  
HENRY A. CALLAWAY  
CHIEF U.S. BANKRUPTCY JUDGE