

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

IN RE:)
)
Marcus Brent Gates,) Case No. 19-10472
Debtor.)

ORDER OVERRULING OBJECTION TO POSTPETITION CLAIM
BUT ORDERING THAT NO PAYMENTS ARE TO BE MADE

The court overrules without prejudice the debtor's objection (doc. 89) to claim no. 10 filed by creditor Derek Tillman Gates based upon alleged postpetition debts. But the court orders that no payments are to be made on the claim in this bankruptcy case – and the claim will not be subject to discharge – because the debtor's plan does not provide for the payment of postpetition claims under Bankruptcy Code § 1322(b)(6). *See, e.g., 8 Collier on Bankruptcy* ¶ 1322.10 (Richard Levin & Henry J. Sommer eds., 16th ed.); Keith M. Lundin, LUNDIN ON CHAPTER 13, § 113.6, LundinOnChapter13.com.

The court is not reaching the merits of the validity or amount of the claim. However, while this bankruptcy case is pending, unless ordered otherwise the automatic stay of Bankruptcy Code § 362 remains in effect as to any collection efforts against the debtor's assets or assets of the bankruptcy estate. In other words, creditor Derek Gates can sue the debtor and attempt to obtain a judgment on the alleged postpetition debt, but he is stayed from collecting against any assets of the bankruptcy estate (which includes the debtor's assets and income) while the bankruptcy is pending.

Dated: December 7, 2022


HENRY A. CALLAWAY
U.S. BANKRUPTCY JUDGE