

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

GARY R. BEAMON : BK No. 91-12499
Debtor Chapter 7
- - - - - x

TITLE: *In re Beamon*

ORDER SUSTAINING TRUSTEE'S OBJECTION, AND DISALLOWING CLAIMS

Heard on the Trustee's Objection to the Claims of Richard Beamon, the Debtor's brother, and G. Richard Beamon, the Debtor's father. Richard Beamon filed an unsecured claim (Claim #26) in the amount of \$3,000 for improvements he made, post-petition and post-conversion, on property located at Harrison Avenue, Providence, Rhode Island. During his testimony in support of his claim, Richard inexplicably volunteered that "legally" the house may not be in Gary's (his brother's) name, "but really, it's Gary's house." Subsequent to the hearing, and after further investigation, the Chapter 7 Trustee informed the Court that the house was properly listed in Schedule B-1, and that it was clearly over-encumbered. Therefore, with no equity for the estate, any improvements made to said property by Richard Beamon conferred no benefit to creditors. Accordingly, the Trustee's Objection to Claim #26 is SUSTAINED.

G. Richard Beamon, the Debtor's father, is seeking \$24,100 for rent on the house where the Debtor resides (Claim #21). That property, previously owned by the Debtor, was purchased at foreclosure in June 1992, post-petition, by the Debtor's father. Mr. Beamon, Sr., testified that after he purchased the property, he leased it for \$1,200 per month to his son, who continues to live there. The Debtor has not made any rent payments to his father, and Mr. Beamon, Sr.'s response to the obvious question, was that "he could not evict his son." Whether or not this property is leased to the Debtor is totally irrelevant. At best, Mr. Beamon has a post-petition (undischarged) claim for rent against his son Gary, but clearly there is no valid claim against the estate. Accordingly, the Trustee's Objection to Claim #21 is SUSTAINED. Both claims are disallowed.

Enter Judgment consistent with this order.

Dated at Providence, Rhode Island, this 24th day
of
July, 1996.

/s/ Arthur N. Votolato

Arthur N. Votolato
U.S. Bankruptcy Judge