

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

TILLY REALTY ASSOCIATES : BK No. 96-13776  
Debtor Chapter 7

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TITLE: *In re Tilly Realty Associates*

CITATION: Unpublished

**ORDER DENYING (1) PROPOSED PAYMENT**  
**AND (2) MOTION TO STRIKE**

APPEARANCES:

Charles Pisaturo, Esq.  
Chapter 7 Trustee  
LAW OFFICES OF CHARLES A. PISATURO, Jr.  
58 Weybosset Street, Suite 400  
Providence, Rhode Island 02903

Peter G. Berman, Esq.  
Attorney for Erwin Strasmich  
RASKIN & BERMAN  
116 East Manning Street  
Providence, Rhode Island 02906

Frederick A. Costello, Esq.  
Attorney for Amitie Bellini  
FLAHERTY, BUTTERFIELD & COSTELLO  
33 College Hill Road, Suite 20D  
Warwick, Rhode Island 02886

BEFORE ARTHUR N. VOTOLATO, United States Bankruptcy Judge

In the instant motion entitled "Claim of Amitie Bellini," Amitie Bellini is a judgment creditor of Erwin Strasmich, a general partner of the Debtor. Bellini freely admits that she is not a creditor of this estate but wishes to stand in the shoes of Erwin Strasmich vis-a-vis any claim Strasmich has against the estate. Strasmich, who was a creditor in the amount of \$43,927, assigned \$21,963 of said claim to Rhode Island Depositors Economic Protection Corporation. Subsequent to the assignment, Strasmich withdrew the balance of his claim, and so he now has no claim against the estate. The claims bar date in this case expired on May 29, 2001, and there are sufficient assets on hand to pay all creditors in full, plus interest, and return substantial real estate and money to the Debtor partnership.

The Movant has provided no authority or precedent to support the relief requested. Because Erwin Strasmich has no claim pending against this estate, and since the claims bar date has expired, it is beyond this Court's authority to even consider, let alone grant the relief requested. While Bellini may have other rights regarding Strasmich's general partnership interest, such issue is not before this Court, and I doubt that the

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Bankruptcy Court is the proper forum for Bellini to be pursuing such rights.

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Accordingly, Bellini's request for relief is DENIED.

Dated at Providence, Rhode Island, this 11<sup>th</sup> Day of  
September, 2002.

/s/ Arthur N. Votolato  
Arthur N. Votolato  
U.S. Bankruptcy Judge