

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:06-bk-01979-ABB  
Chapter 11

MELODY MOTEL, INC.

Debtor.

**ORDER**

This matter came before the Court on the Debtor's Amended Objection to Claim No.: 6 ("Objection")<sup>1</sup> filed by Melody Motel, Inc., the Debtor herein ("Debtor") against Sandra Alston herein ("Alston"). An evidentiary hearing was held on January 22, 2007, at which the Debtor, counsel for the Debtor, and Alston, *pro se*, appeared. Alston was authorized an additional fourteen days to submit a letter to the Court stating the basis for her claim. The Court makes the following Findings of Fact and Conclusions of Law after reviewing the pleadings and evidence, hearing live argument, and being otherwise fully advised in the premises.

**FINDINGS OF FACT**

The Debtor filed this Chapter 11 bankruptcy case on August 10, 2006 ("Petition Date"). Alston filed a proof of claim (Claim No. 6) on December 7, 2006 in the amount of thirty thousand dollars (\$30,000.00) as an unsecured claim. Alston asserts the claim arises from unpaid wages.<sup>2</sup>

The Debtor did not list Alston as a creditor. It filed the Objection to Alston's proof of claim on December 20, 2006 and asserts having no indebtedness to Alston. Alston submitted a letter with various exhibits attached one day after the fourteen-day deadline specified. The letter asserts an oral agreement existed between Alston and Mr. Nathaniel Bell, Sr. providing Alston would receive additional wages upon the improvement of the motel's earnings. None of the exhibits attached with Alston's letter substantiate the existence of their oral agreement. Alston has not presented sufficient evidence to establish her right to payment from the Debtor. She does not have a claim against the Debtor or the Debtor's estate and therefore does not qualify

as a creditor. The Debtor's Objection is sustained and Claim No. 6 is disallowed.

**CONCLUSIONS OF LAW**

The term "claim" means right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured. 11 U.S.C. § 101 (2005). An allowed claim is defined as:

A claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest, including a creditor of a general partner in a partnership that is a debtor in a case under chapter 7 of this title, objects.

11 U.S.C. § 502(a). Alston filed her claim pursuant to § 501. The court, after notice and hearing, shall determine the amount of such claim and shall allow such claim in such amount, except to the extent that such claim is unenforceable against the debtor and property of the debtor. Id.

Alston does not have a valid claim against the Debtor or the Debtor's estate as she has not confirmed owning a right to payment. She has not produced sufficient evidence establishing a valid claim. The Debtor's Objection is sustained and Claim No. 2 is disallowed.

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the Debtor's Objection to Claim No. 6 is hereby **SUSTAINED**; and it is further

**ORDERED, ADJUDGED and DECREED** that Alston's Claim No. 6 is hereby **DISALLOWED**.

Dated this 8<sup>th</sup> day of February, 2007.

*/s/ Arthur B. Briskman*  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge

<sup>1</sup> Doc. No. 74.

<sup>2</sup> Claim No. 6.