

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:

CHAPTER 13 NO.:

SAMUEL M. BROTHERS &
LORA BROTHERS

10-10518-NPO

TRUSTEE'S OBJECTION TO PROOF OF CLAIM (Clm . #9)

COMES NOW Trustee, Locke D. Barkley, by and through counsel, and files this Objection to the proof of claim filed herein by Bank of America (hereinafter "Creditor"); and in support thereof states as follows:

1. Creditor filed a proof of claim (Clm. #9) with a pre-petition arrearage claim of \$19,934.12. Said arrearage claim includes an amount for escrow shortages in the amount of \$2,631.92.

2. The Trustee demands strict proof of the components (i.e., principal, interest and escrow) of the pre-petition payments and post-petition payments, as well as strict proof of said escrow shortages as set forth in the proof of claim worksheet.

3. Should the Creditor fail to provide strict proof, the Debtor's pre-petition arrearage claim should be reduced and escrow shortage in the total amount of \$2,631.92 should be removed from the arrearage claim.

WHEREFORE, PREMISES CONSIDERED, Trustee, Locke D. Barkley, prays that upon notice and hearing that this Court enter its order sustaining Trustee's objection and for such other relief to which Trustee and this bankruptcy estate may be entitled.

Dated: April 19, 2010

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
Attorney for Trustee
817 E. River Place
Post Office Box 55829
Jackson, Miss. 39296
(601) 355-6661
ssmith@barkley13.com
MSB No. 10645

C E R T I F I C A T E

I, W. Jeffrey Collier, Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I have electronically served through the CM/ECF system, a copy of the above and foregoing to the following attorneys of record and/or parties of interest:

Office of the U. S. Trustee
USTPRegion05.AB.ECF@usdoj.gov

Michael W. Boyd, Esq.
boydlawoffice@yahoo.com
clyburnlawoffice@gmail.com

Michael Alan Jedynak, Esq.
ecf@ms.creditorlawyers.com

The following parties of interest shall be served with the foregoing pursuant to the Court's Standing Order Delegating Certain Noticing Responsibilities once a Notice of Hearing is generated by the Court:

Samuel M. Brothers
Lora Brothers
668 West McCorkle Circle
Greenville, MS 38703

Dated: April 19, 2010

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 NO.:

**SAMUEL M. BROTHERS &
LORA BROTHERS**

10-10518-NPO

ORDER

THIS MATTER came before the Court on Trustee's Objection to the proof of claim filed herein by Bank of America ("Creditor") after proper notice and an opportunity for hearing the Court, being fully advised in its premises, finds that no response was timely filed and Trustee's Objection is well taken and should be sustained.

IT IS THEREFORE ORDERED AND ADJUDGED as follows:

1. Trustee's Objection shall be and is hereby sustained.
2. Within fifteen (15) days from the date of this order, Creditor shall provide the Trustee with the components (i.e., principal, interest and escrow) of the pre-petition payments and post-petition payments, as well as strict proof of said escrow advances and escrow shortages as set forth in the Itemization of Claim or the Creditor's mortgage arrearage claim shall be amended to remove escrow shortage in the total amount of \$2,631.92.
5. Trustee shall serve a copy of this order upon Creditor and file a certificate of service with the Court evidencing same.

SO ORDERED

SUBMITTED BY:

/s/ W. Jeffrey Collier

W. JEFFREY COLLIER, ESQ.

Attorney for Trustee

Post Office Box 55829

Jackson, Miss. 39296

(601) 355-6661

ssmith@barkley13.com

MSB No. 10645