

TRCC does not serve as a modification of the terms of the debtor's confirmed plan

Case: 11-10136 *McCleskey*

Docket: Trustee's Miscellaneous Docket on 12/7/11 Beaumont Docket

Facts: The plan, as confirmed, provided for the Trustee to cure the secured arrears claim of the home owners' association dues owed on the Debtor's home. The home owners' association (incorrectly) filed a priority claim for these arrears. The Trustee, in his Trustee's Recommendation Concerning Claims (TRCC), noted that he was not going to pay the home owners' association in that no secured claim was filed and further noted that there was a priority claim filed by the home owners' association that was not provided for in the plan. The Debtor objected to the TRCC, thereby contending that the TRCC should be amended to provide for the payment of the priority claim.

Ruling: Judge Parker approved the TRCC as filed, noting that the Debtor's remedy was to object to the priority claim to reclassify such as a secured claim. The Judge noted that the objection to claim should, however, be very specific on the facts so that the Judge will understand what is going on with the objection.

Result: Judge Parker has consistently held that the TRCC is not a modification of the terms of the confirmed plan but simply a reconciliation of the claims as filed with the terms of the confirmed plan.