Opinion Title: 12/11/2013 UNPUBLISHED In re Cannon, 13-24366, Judge Thurman.

Body: The Chapter 13 Trustee and PNC Bank moved to dismiss the Debtor's Chapter 13 case because his secured debts exceeded the $1,149,525 limit imposed by § 109(e). The Court found, despite the Debtor's objections, that the motions were timely, PNC had standing to file proofs of claim, and those claims were prima facie valid. Following the § 109(e) analysis prescribed by Kanke v. Adams (In re Adams), 373 B.R. 116 (B.A.P. 10th Cir. 2007), the Court reviewed the Debtor's schedules and PNC's proofs of claim and found that the facial amount of his debts surpassed the statutory threshold. The Court held that neither a dispute over liability on the debts nor the Debtor's assertion of offsets against PNC rendered his debts unliquidated, and the Court ruled that the debt limit of § 109(e) did not violate the Debtor's due process rights. The Court therefore dismissed the Debtor's case.

File: 570.pdf [1]

Judge: Judge William T. Thurman [2]

Date: Wednesday, December 11, 2013

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