The document below is hereby signed.

Signed: February 26, 2010.



S. Martin Teel, Jr. United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF COLUMBIA

In re)	
STUART MILLS DAVENPORT,)	Case No. 09-00772
bronkt Millib bronktokt,)	(Chapter 13)
Debtor.)	Not for Publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER OVERRULING OBJECTION TO PROOF OF CLAIM, ASSIGNED NUMBER 6 ON CLAIMS REGISTER, FILED BY WELLS FARGO BANK, N.A. FOR \$10,205.61

The debtor has objected to the proof of claim, assigned number 6 on the claims register, for \$10,205.61 filed by Wells Fargo Bank, N.A. (account ending in 9112). Wells Fargo has not responded.

The attachment to the proof of claim indicates:

DAVENPORT, STUART M

DAVENPORT DESIGN

Contrary to the debtor's memorandum in support of the objection to claim, this attachment does not show "that the business is the entity responsible for the amount owed." Moreover, the indication on the attachment that it is a "VISA BUSINESS CARD" does not demonstrate that only Davenport Design is liable for the debt on the card. The debtor does not assert that he is not personally liable on the debt, and instead argues that "absent proof of his personal responsibility, Claimant's claim should be denied in the instant case." But the proof of claim is prima facie correct. Fed. R. Bankr. P. 3001(f). The debtor's pleading burden is affirmatively to state non-conclusory facts demonstrating that the claim is invalid. He does not even come out and state that the debt is not owed.¹ Unless the debtor affirmatively contends that he is not personally liable on the debt, he has not stated a valid objection to the claim, and thus there is no reason to take evidence. It is accordingly

ORDERED that the Debtor's Objection to the Proof of Claim Filed by Wells Fargo (Dkt. No. 50, filed January 7, 2010) is OVERRRULED without prejudice to filing an amended objection to claim stating a valid basis of objection.

[Signed and dated above.]

Copies to: Debtor; Debtor's Attorney; Chapter 13 Trustee;

Wells Fargo Bank MAC S4101-08C 100 W. Washington Street Phoenix, AZ 85003

¹ Even if he had done that, the burden would still remain for him to produce evidence that rebuts the prima facie correctness of the claim. An affidavit stating in conclusory terms that the debtor is not personally liable for the debt would not satisfy that burden.