

The document below is hereby signed.

Dated: June 3, 2012.



S. Martin Teel, Jr.

**S. Martin Teel, Jr.
U.S. Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
JOY FREEMAN-COULBARY,)	Case No. 11-00864
)	(Chapter 13)
Debtor.)	Not for Publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION RE TRUSTEE'S
OBJECTION TO UNSECURED CLAIM BY EJF REAL ESTATE SERVICES, INC.

EJF Real Estate Services, Inc. ("EJF") has filed a proof of claim (Claim No. 6-1 on the Claims Register) for an unsecured priority claim as an administrative expense in the amount of \$1,603.45 for postpetition condominium fees. The trustee objects on the grounds that the claim is not entitled to priority under 11 U.S.C. § 507(a)(2) and that it does not comply with 11 U.S.C. § 1305.

I

The court will not analyze the claim's entitlement to priority as an administrative expense because EJF has not filed a proper request for payment of an administrative expense. EJF filed a proof of claim, but "[a] request for payment of an administrative expense is not properly asserted in a proof of

claim." 4 COLLIER ON BANKRUPTCY ¶ 503.02[1] (16th ed.); see also *In re Perkins*, 304 B.R. 477, 481 (Bankr. N.D. Ala. 2004). Under 11 U.S.C. § 503(a), an "entity may timely file a request for payment of an administrative expense." A proof of claim is not a substitute for such a request. *In re First Century Corp.*, 166 B.R. 47, 48 (Bankr. M.D. Pa. 1994).¹

Moreover, even if EJF renews its assertion by filing a procedurally proper request for payment of an administrative expense, EJF will be confronted with the debtor's schedules which show overwhelmingly a lack of equity in the condominium and an issue of how a benefit has been conferred on the estate if there is no equity. However, the court will not address that issue at this juncture.

II

The trustee objects on the additional basis that this claim cannot be allowed under 11 U.S.C. § 1305. Section 1305 permits an entity to file a proof of claim for taxes payable after the filing of the petition or for certain postpetition consumer debts. The court will sustain the trustee's objection because allowing EJF's claim under section 1305 would violate the terms of the confirmed plan.

EJF had a contingent claim for postpetition condominium fees

¹ Such a request must be pursued by a motion. Fed. R. Bankr. P. 9013.

