

The document below is hereby signed.

Signed: October 2, 2013



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
EXZELL NICKS,)	Case No. 13-00588
)	(Chapter 13)
Debtor.)	Not for publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER DENYING MOTION TO DISMISS

Evergreen Urban LLC seeks an order dismissing this case. Evergreen holds a note executed by the debtor's wife and secured by property in which both she and the debtor hold an interest. Under 11 U.S.C. § 101(5)(A) the term "claim" means a "right to payment" Evergreen contends that the debtor owes it nothing as he did not execute the note, and that, accordingly, Evergreen does not hold a claim against the debtor. It asserts that under 11 U.S.C. § 109(e) the debtor is thus ineligible to be a debtor as against Evergreen because only an individual who owes debts may be a debtor in a case under chapter 13 of the Bankruptcy Code (11 U.S.C.).

Evergreen disregards 11 U.S.C. § 102(2) ("claim against the debtor' includes claim against property of the debtor"), and

