

The order below is hereby signed.

Signed: August 18 2016



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
BEVERLY SHORT-WILLIAMS,)	Case No. 16-00318
)	(Chapter 13)
Debtor.)	Not for Publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER DISALLOWING EXEMPTION CLAIM

The trustee has objected to the debtor's exempting "Potential malpractice/wrongful death claim against hospital" pursuant to D.C. Code § 16-2703. Under § 16-2703:

The damages recovered in an action pursuant to this chapter, except the amount specified by the verdict or judgment covering the reasonable expenses of last illness and burial, may not be appropriated to the payment of the debts or liabilities of the deceased person, but inure to the benefit of his or her family and shall be distributed to the spouse and next of kin according to the allocation made by the verdict or judgment, or in the absence of an allocation, according to the provisions of the statute of distribution in force in the District.

The provision may, with specific exceptions, protect a recovery of damages for wrongful death from being seized by the creditors of the deceased person, but the debtor is alive and not a deceased person. Instead, she appears to be someone who may be entitled to receive a damage recovery based on the wrongful death

