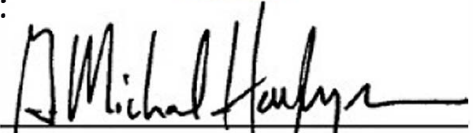




THE FOLLOWING ORDER  
IS APPROVED AND ENTERED  
AS THE ORDER OF THIS COURT:

DATED: July 12, 2013

  
G. Michael Halfenger  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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In the matter:

Steve and Chrisanti Itsines,  
Debtors.

Case No. 13-21980-GMH  
Chapter 7

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**ORDER DENYING MOTION OF PNC BANK, NATIONAL ASSOCIATION FOR  
ABANDONMENT**

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After the debtors were granted a chapter 7 discharge, the trustee filed a notice of proposed abandonment on notice to all creditors. When a trustee serves such a notice on all parties in interest and no party timely objects, abandonment occurs at the close of the objection period. See 11 U.S.C. §554(a); Fed. R. Bankr. P. 6007(a); see also *Matter of Trim-X, Inc.*, 695 F.2d 296, 300 (7th Cir. 1982).

Among the property the trustee notified creditors that he was abandoning was the debtors' condominium located at 9450 Thomas Drive #C1903, Panama City, Florida. Fourteen days before the objection period expired, PNC, National Association, a mortgagee on the Florida condo, filed a motion for abandonment pursuant to 11 U.S.C. §554(b). PNC served its motion on all creditors, calling for objections to be served no later than July 8, also the deadline to object to the trustee's abandonment notice.

The debtors objected to both the trustee's notice and PNC's motion. But they had no

standing to object. Abandoned property simply removes the property from the bankruptcy estate and vests it back in the debtor. *In re Dewsnup*, 908 F.2d 588, 590 (10th Cir. 1990), *aff'd*, *Dewsnup v. Timm*, 502 U.S. 410 (1992). Consequently, abandonment cannot adversely affect the debtors' interests, and absent a risk of adverse effect, there is no standing to object. See *Matter of Andreuccetti*, 975 F.2d 413, 416 (7th Cir. 1992). Regardless, the debtors withdrew their objections on July 9.

On July 10, the trustee filed his statement of abandonment effectuating the abandonment of all of the property listed in his notice, including the Florida condo. Despite this, on July 11, PNC filed an affidavit of no objection to its motion and a proposed order commanding the trustee to abandon the Florida condo and awarding PNC \$726 in attorney's fees and costs.

PNC's motion is moot to the extent it seeks abandonment. The Florida condo was abandoned on July 10 by operation of §554(a).

That leaves PNC's request for fees and costs. Submitting an order awarding fees and costs incurred for moving for abandonment of property that will soon be abandoned takes chutzpah – all PNC had to do was await expiration of the trustee's notice of abandonment. What is more, PNC's duplicative motion has unnecessarily consumed scarce judicial resources. The practice of moving for abandonment, typically accompanied by a request for relief from the automatic stay, when a case will soon close and abandonment will occur by operation of law, appears simply to “needless[ly] increase [ ] the cost” of no-asset chapter 7 cases. Fed. R. Bankr. P. 9011(b)(1). Creditors seeking that relief would do well to support their requests with proof that the relief is needed before the case closes.

Accordingly,

IT IS ORDERED that the motion of PNC, National Association for abandonment is DENIED as moot.

IT IS FURTHER ORDERED that PNC's request for fees and costs in connection with bringing its motion is DENIED.

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