

In the United States Bankruptcy Court

for the

Southern District of Georgia

Savannah Division

FILED

at 12 O'clock & 06 min. P.M.
Date 4/22/97

MARY C. BECTON, CLERK
United States Bankruptcy Court
Savannah, Georgia JB

In the matter of:)
LARRY ALLEN DENNIS)
Debtor)

Chapter 7 Case

Number 93-40713

ORDER ON TRUSTEE'S OBJECTION TO CLAIM OF
TAMMY DENNIS

Tammy Dennis, wife of the Debtor, filed a claim in the above-captioned case on November 21, 1994, in an undetermined amount. The Trustee filed an objection to that claim on February 4, 1997, asserting as his basis for objection that,

Claimant is the debtor's spouse. The claim as filed does not specify an amount due claimant. To the extent it purports to assert a claim for the value of claimant's interest in any real property of the estate, Trustee avers that claimant holds no interest in any real property of this estate. Consequently she has no such claim.

The matter was scheduled for a hearing before the Court on March 31, 1997. At that time the evidence revealed that Tammy Dennis owned a number of head of cattle which she sold and netted \$22,337.35 in proceeds. The evidence further

revealed that the \$22,337.35 payment was applied to the final payment tendered by the Debtor to pay off the mortgage on the Jenkins County farm which has been the subject of considerable litigation throughout the pendency of this case. Tammy Dennis also asserts that she worked side-by-side with Debtor, Larry Dennis, for approximately 14 years in business and on the farm or farms which they owned prior to his filing bankruptcy. Within supplemental pleadings, she estimated the value of her services based on an hourly wage of \$7.00 per hour to be approximately \$196,000.00. See Motion to Object to James Drake's Objection of Tammy Ann Dennis' Proof of Claim, Ch. 7 Case No. 93-40713, Doc. No. 115, Mar. 25, 1997. There were never any formal agreements between Mr. and Mrs. Dennis which give rise to a legal obligation to repay any sums of money for her labor or for her contribution to the pay off of the farm note. There was no evidence that there was ever a debtor/creditor relationship between the two of them.

CONCLUSIONS OF LAW

Georgia law provides that when services are rendered or property transferred between very near relatives an implied promise to pay is not presumed. See O.C.G.A. § 9-2-7. In the absence of any evidence that an employer/employee or debtor/creditor relationship was created or corroborating evidence of an

obligation to pay wages or to be reimbursed for the mortgage pay-off, the evidence is insufficient to establish the right of a spouse of a debtor to participate in the distribution of a bankruptcy estate on a claim arising out of the value of services rendered during the time of the marriage. No doubt in every marital relationship, the contributions of a spouse, whether working or non-working, to the marriage and to the business or occupation of the other spouse are considerable. However, they are not, in the ordinary case, compensable and there is no evidence to suggest in this case that her cash or in-kind contributions gave rise to a debtor/creditor relationship.

ORDER

Pursuant to the foregoing Findings of Fact and Conclusions of Law, IT IS THE ORDER OF THIS COURT that the Trustee's Objection to the claim of Tammy Dennis is sustained and her claim is disallowed.



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 21st day of April, 1997.