

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

In re:

HOWARD D. HOLLAND and TAMMY
R. HOLLAND,

Debtors.

Case No. F09-00100-DMD
Chapter 13

Filed On
8/7/09

MEMORANDUM ON SIMMONS CLAIM

The debtors have filed an objection to the claim of Walter Simmons. Simmons submitted a secured claim for \$156,794.76. His security is the debtors' residence. The debtors allege that Simmons' secured claim can be bifurcated pursuant to 11 U.S.C. § 506(a) under *Hougland v. Lomas & Nettleton Co.*¹ *Hougland* was overruled by the Supreme Court in *Nobelman v. American Savings Bank*.² The debtor may not bifurcate Mr. Simmons' secured claim. Their objection will be overruled.

DATED: August 7, 2009.

BY THE COURT

/s/ Donald MacDonald IV
DONALD MacDONALD IV
United States Bankruptcy Judge

Serve: J. Crawford, Esq.
V. Therrien, Esq.
L. Compton, Trustee
U. S. Trustee

08/07/09

¹(*In re Hougland*) 886 F.2d 1182 (9th Cir. 1989).

²508 U.S. 324 (1993).