

In re: GARRY WAYNE CARTY, Debtor.

CASE NO. 04-15772-BKC-AJC

Debtor objected to proof of claim of assignee of credit card issuer. At an evidentiary hearing, it was established that the Debtor's spouse opened the account and, after the spouse passed away, the Debtor used the credit card. The evidence proved the Debtor paid for all purchases made on the account after his spouse died. Assignee/Claimant failed to produce sufficient documentation to establish Debtor's liability for any outstanding sums. Claimant could not produce an account application or any other documentation to prove the Debtor agreed to pay any interest, late fees or other charges on the account.