

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF

In re: §  
§  
GUTIERREZ, JOSE CARLOS § Case No. 06-41011  
§  
Debtor(s) §

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**TRUSTEE'S FINAL REPORT (TFR)**

The undersigned trustee hereby makes this Final Report and states as follows:

1. The debtor filed a petition under chapter \_\_\_\_\_ of the United States Bankruptcy Code on \_\_\_\_\_ . The case was converted to one under Chapter 7 on \_\_\_\_\_ . The undersigned trustee was appointed on \_\_\_\_\_ .

2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.

3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized gross receipts of \_\_\_\_\_ \$

Funds were disbursed in the following amounts:

Administrative expenses  
Payments to creditors  
Non-estate funds paid to 3<sup>rd</sup> Parties  
Payments to the debtor

Leaving a balance on hand of<sup>1</sup> \_\_\_\_\_ \$

The remaining funds are available for distribution.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

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<sup>1</sup>The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. §326(a) on account of the disbursement of the additional interest.

6. The deadline for filing claims in this case was \_\_\_\_\_. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$ \_\_\_\_\_. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$ \_\_\_\_\_ as interim compensation and now requests a sum of \$ \_\_\_\_\_, for a total compensation of \$ \_\_\_\_\_. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$ \_\_\_\_\_, and now requests reimbursement for expenses of \$ \_\_\_\_\_, for total expenses of \$ \_\_\_\_\_.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: \_\_\_\_\_ By: /s/CHRISTOPHER J. MOSER  
Trustee

**STATEMENT:** This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**FORM 1**  
**INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT**  
**ASSET CASES**

Case No: 06-41011 BTR Judge: BRENDA T. RHOADES  
Case Name: GUTIERREZ, JOSE CARLOS

Trustee Name: CHRISTOPHER J. MOSER  
Date Filed (f) or Converted (c): 09/01/06 (c)  
341(a) Meeting Date: 09/25/06  
Claims Bar Date: 07/02/07

For Period Ending: 01/18/10

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=554(a) Abandon DA=554(c) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. 4024 Highland Shores, Plano, Texas Gross Sales: \$290,000.00 less commission of \$13,571.00 less attorney's fees of \$210.00 less title insurance of \$1,858.00 less Escrow fees of \$325.00 less TX policy guarantee fee of \$1.00 less recording fees of \$24.00 less tax certificate of \$48.95 less 1st mortgage of \$246,307.30 less Collin Co tax of \$7,325.04 less Frisco ISD of \$6,497.95 less HOA dues of \$929.00 less County 2007 taxes of \$2,902.76 equals net proceeds to the estate of \$10,000.00.	300,000.00	10,000.00		290,000.00	FA
2. FINANCIAL ACCOUNTS Debtor Claimed 100% Exemption on Schedule C	20.00	0.00	DA	0.00	FA
3. HOUSEHOLD GOODS Debtor Claimed 100% Exemption on Schedule C	1,600.00	0.00	DA	0.00	FA
4. BOOKS/COLLECTIBLES Debtor Claimed 100% Exemption on Schedule C	50.00	0.00	DA	0.00	FA
5. WEARING APPAREL Debtor Claimed 100% Exemption on Schedule C	150.00	0.00	DA	0.00	FA
6. FURS AND JEWELRY Debtor Claimed 100% Exemption on Schedule C	25.00	0.00	DA	0.00	FA
7. FIREARMS AND HOBBY EQUIPMENT Debtor Claimed 100% Exemption on Schedule C	50.00	0.00	DA	0.00	FA
8. 1993 Volvo Debtor Claimed 100% Exemption on Schedule C	1,500.00	0.00	DA	0.00	FA
9. ANIMALS Debtor Claimed 100% Exemption on Schedule C	0.00	0.00	DA	0.00	FA
INT. Post-Petition Interest Deposits (u)	Unknown	N/A		71.85	Unknown

Gross Value of Remaining Assets

**FORM 1  
INDIVIDUAL ESTATE PROPERTY RECORD AND REPORT  
ASSET CASES**

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Trustee Name: CHRISTOPHER J. MOSER  
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Claims Bar Date: 07/02/07

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=554(a) Abandon DA=554(c) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
TOTALS (Excluding Unknown Values)	\$303,395.00	\$10,000.00		\$290,071.85	\$0.00
					(Total Dollar Amount in Column 6)

Major activities affecting case closing which are not reflected above, and matters pending, date of hearing or sale, and other action:

Michael Crane is employed as a real estate broker. Quilling, Selander, Cumiskey & Lownds, P.C. is employed to represent the trustee. The trustee is a partner in the same firm. Lain, Faulkner & Co., P.C. is employed as accountants. On April 25, 2007, Order to Sell was entered, item # 1. On Oct. 17, 2007, the estate's tax return was filed with the IRS. QSCL will not be filing a fee application.

Initial Projected Date of Final Report (TFR): 12/31/07      Current Projected Date of Final Report (TFR): 01/18/10

**FORM 2**

**ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 06-41011 -BTR  
Case Name: GUTIERREZ, JOSE CARLOS

Trustee Name: CHRISTOPHER J. MOSER  
Bank Name: BANK OF AMERICA, N.A.  
Account Number / CD #: \*\*\*\*\*0381 BofA - Money Market Account

Taxpayer ID No: \*\*\*\*\*4252  
For Period Ending: 01/18/10

Blanket Bond (per case limit): \$ 300,000.00  
Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
			BALANCE FORWARD				0.00
05/18/07	1	TICOR TITLE INSURANCE COMPANY TRUSTEE ESCROW ACCOUNT #46 PRESTON CTR. 82335 DOUGLAS AVE., STE. 104 DALLAS, TX 75225	SALE PROCEEDS	1110-000	10,000.00		10,000.00
05/31/07	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	2.74		10,002.74
06/29/07	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	8.22		10,010.96
07/31/07	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	8.51		10,019.47
08/31/07	INT	BANK OF AMERICA, N.A.	Interest Rate 1.000	1270-000	8.51		10,027.98
09/28/07	INT	BANK OF AMERICA, N.A.	Interest Rate 0.750	1270-000	6.39		10,034.37
10/31/07	INT	BANK OF AMERICA, N.A.	Interest Rate 0.750	1270-000	6.39		10,040.76
11/30/07	INT	BANK OF AMERICA, N.A.	Interest Rate 0.650	1270-000	5.36		10,046.12
12/31/07	INT	BANK OF AMERICA, N.A.	Interest Rate 0.500	1270-000	4.80		10,050.92
01/31/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.400	1270-000	3.98		10,054.90
02/29/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.300	1270-000	2.39		10,057.29
03/31/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	2.38		10,059.67
04/30/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.250	1270-000	2.06		10,061.73
05/01/08	000301	Lain, Faulkner & Co., P.C. c/o D. Keith Enger 400 North St. Paul, Ste. 600 Dallas, TX 75201	Per Order Entered on 4/29/08 Accountant's Fees	3410-000		1,000.00	9,061.73
05/30/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.150	1270-000	1.16		9,062.89
06/30/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.150	1270-000	1.12		9,064.01
07/31/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.150	1270-000	1.15		9,065.16
08/29/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.150	1270-000	1.15		9,066.31
09/30/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.150	1270-000	1.12		9,067.43
10/31/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.88		9,068.31
11/28/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.100	1270-000	0.73		9,069.04

Page Subtotals 10,069.04 1,000.00

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 06-41011 -BTR  
Case Name: GUTIERREZ, JOSE CARLOS

Trustee Name: CHRISTOPHER J. MOSER  
Bank Name: BANK OF AMERICA, N.A.  
Account Number / CD #: \*\*\*\*\*0381 BofA - Money Market Account

Taxpayer ID No: \*\*\*\*\*4252  
For Period Ending: 01/18/10

Blanket Bond (per case limit): \$ 300,000.00  
Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
12/31/08	INT	BANK OF AMERICA, N.A.	Interest Rate 0.010	1270-000	0.47		9,069.51
01/30/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.010	1270-000	0.07		9,069.58
02/27/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.010	1270-000	0.07		9,069.65
03/31/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.010	1270-000	0.08		9,069.73
04/30/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.20		9,069.93
05/29/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.23		9,070.16
06/30/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.23		9,070.39
07/31/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.23		9,070.62
08/31/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.23		9,070.85
09/30/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.22		9,071.07
10/30/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.22		9,071.29
11/30/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.23		9,071.52
12/31/09	INT	BANK OF AMERICA, N.A.	Interest Rate 0.030	1270-000	0.23		9,071.75
01/18/10	INT	BANK OF AMERICA, N.A.	INTEREST REC'D FROM BANK	1270-000	0.10		9,071.85
01/18/10		Transfer to Acct #*****6793	Final Posting Transfer	9999-000		9,071.85	0.00

COLUMN TOTALS	10,071.85	10,071.85	0.00
Less: Bank Transfers/CD's	0.00	9,071.85	
Subtotal	10,071.85	1,000.00	
Less: Payments to Debtors		0.00	
Net	10,071.85	1,000.00	

FORM 2

ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 06-41011 -BTR  
Case Name: GUTIERREZ, JOSE CARLOS

Trustee Name: CHRISTOPHER J. MOSER  
Bank Name: BANK OF AMERICA, N.A.  
Account Number / CD #: \*\*\*\*\*6793 BofA - Checking Account

Taxpayer ID No: \*\*\*\*\*4252  
For Period Ending: 01/18/10

Blanket Bond (per case limit): \$ 300,000.00  
Separate Bond (if applicable):

1	2	3	4		5	6	7
Transaction Date	Check or Reference	Paid To / Received From	Description Of Transaction	Uniform Tran. Code	Deposits (\$)	Disbursements (\$)	Account / CD Balance (\$)
01/18/10		Transfer from Acct #*****0381	BALANCE FORWARD Transfer In From MMA Account	9999-000	9,071.85		0.00 9,071.85

COLUMN TOTALS	9,071.85	0.00	9,071.85
Less: Bank Transfers/CD's	9,071.85	0.00	
Subtotal	0.00	0.00	
Less: Payments to Debtors		0.00	
Net	0.00	0.00	

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
BofA - Money Market Account - *****0381	10,071.85	1,000.00	0.00
BofA - Checking Account - *****6793	0.00	0.00	9,071.85
	-----	-----	-----
	10,071.85	1,000.00	9,071.85
	=====	=====	=====
(Excludes Account Transfers)		(Excludes Payments To Debtors)	Total Funds On Hand

Page Subtotals 9,071.85 0.00

EXHIBIT C  
ANALYSIS OF CLAIMS REGISTER

Case Number: 06-41011 Page 1  
 Debtor Name: GUTIERREZ, JOSE CARLOS Date: January 18, 2010  
Claim Class Sequence

Code #	Creditor Name & Address	Claim Class	Notes	Amount Allowed	Paid to Date	Claim Balance
000003 070 7100-00	CAPITAL ONE BANK c/o TSYS DEBT MGMT PO BOX 5155 NORCROSS, GA 30091	Unsecured		\$748.12	\$0.00	\$748.12
000004 070 7100-00	Internal Revenue Service P.O. Box 21126 Philadelphia, PA 19114	Unsecured		\$0.00	\$0.00	\$0.00
000005 070 7100-00	FDS BANK/MACY'S c/o TSYS DEBT MANAGEMENT PO BOX 137 COLUMBUS, GA 31902	Unsecured		\$340.66	\$0.00	\$340.66
000006 070 7100-00	HSBC Bank Nevada NA / HSBC Card Svcs c/o eCAST Settlement Corporation POB 35480 Newark NJ 07193-5480	Unsecured		\$861.33	\$0.00	\$861.33
000007 070 7100-00	CHASE BANK USA, NA PO BOX 15145 WILMINGTON, DE 19850-5145	Unsecured		\$530.68	\$0.00	\$530.68
000001 070 7100-00	Collin County Tax c/o Gay McCall Isaacks et al 777 E. 15th St. Plano, TX 75074	Secured		\$9,627.11	\$0.00	\$9,627.11
000002 070 7100-00	America's Servicing Company C/O Legal Practice Management 15000 Surveyor Blvd Suite 1720 Addison, TX 75001	Secured		\$300,673.41	\$0.00	\$300,673.41
Case Totals:				\$312,781.31	\$0.00	\$312,781.31

Code #: Trustee's Claim Number, Priority Code, Claim Type

**TRUSTEE'S PROPOSED DISTRIBUTION**

Exhibit D

Case No.: 06-41011  
 Case Name: GUTIERREZ, JOSE CARLOS  
 Trustee Name: CHRISTOPHER J. MOSER

Claims of secured creditors will be paid as follows:

<i>Claimant</i>	<i>Proposed Payment</i>
	\$ _____
	\$ _____
	\$ _____

Applications for chapter 7 fees and administrative expenses have been filed as follows:

<i>Reason/Applicant</i>	<i>Fees</i>	<i>Expenses</i>
<i>Trustee: CHRISTOPHER J. MOSER</i>	\$ _____	\$ _____
<i>Attorney for trustee:</i>	\$ _____	\$ _____
<i>Appraiser:</i>	\$ _____	\$ _____
<i>Auctioneer:</i>	\$ _____	\$ _____
<i>Accountant:</i>	\$ _____	\$ _____
<i>Special Attorney for trustee:</i>	\$ _____	\$ _____
<i>Charges:</i>	\$ _____	\$ _____
<i>Fees:</i>	\$ _____	\$ _____
<i>Other:</i>	\$ _____	\$ _____
<i>Other:</i>	\$ _____	\$ _____

Applications for prior chapter fees and administrative expenses have been filed as follows:

<i>Reason/Applicant</i>	<i>Fees</i>	<i>Expenses</i>
<u>Attorney for debtor:</u>	\$ _____	\$ _____
<u>Attorney for:</u>	\$ _____	\$ _____
<u>Accountant for:</u>	\$ _____	\$ _____
<u>Appraiser for:</u>	\$ _____	\$ _____
<u>Other:</u>	\$ _____	\$ _____

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$ \_\_\_\_\_ must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ \_\_\_\_\_ have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be \_\_\_\_\_ percent.

Timely allowed general (unsecured) claims are as follows:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
<u>000003</u>	<u>CAPITAL ONE BANK</u>	\$ _____	\$ _____
<u>000004</u>	<u>Internal Revenue Service</u>	\$ _____	\$ _____
<u>000005</u>	<u>FDS BANK/MACY'S</u>	\$ _____	\$ _____
	<u>HSBC Bank Nevada NA /</u>		
<u>000006</u>	<u>HSBC Card Svcs</u>	\$ _____	\$ _____

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
<u>000007</u>	<u>CHASE BANK USA, NA</u>	\$ <u>                    </u>	\$ <u>                    </u>

Tardily filed claims of general (unsecured) creditors totaling \$            have been allowed and will be paid pro rata only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be            percent.

Tardily filed general (unsecured) claims are as follows:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$            have been allowed and will be paid pro rata only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be            percent.

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

<i>Claim Number</i>	<i>Claimant</i>	<i>Allowed Amt. of Claim</i>	<i>Proposed Payment</i>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>

The amount of surplus returned to the debtor after payment of all claims and interest is  
\$            .