

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF  
DIVISION

In re:	§	
	§	
MCKINNEY, KENNETH D.	§	Case No. 08-60855
MCKINNEY, VIRGINIA M.	§	
	§	
Debtor(s)	§	

---

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

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

1. A petition under chapter      of the United States Bankruptcy Code was filed 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:

- Payments made under an interim disbursement
- Administrative expenses
- Bank service fees
- Other payments to creditors
- Non-estate funds paid to 3<sup>rd</sup> Parties
- Exemptions paid to the debtor
- Other payments to the debtor

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

---

<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.

The remaining funds are available for distribution.

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

6. The deadline for filing non-governmental claims in this case was \_\_\_\_\_ and the deadline for filing governmental claims 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 \$ \_\_\_\_\_<sup>2</sup>. 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 \$ \_\_\_\_\_<sup>2</sup>.

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/JASON R. SEARCY  
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.

---

<sup>2</sup> If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D).

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

Case No: 08-60855 BP Judge: Bill Parker  
Case Name: MCKINNEY, KENNETH D.  
MCKINNEY, VIRGINIA M.  
For Period Ending: 05/22/14

Trustee Name: JASON R. SEARCY  
Date Filed (f) or Converted (c): 09/12/08 (f)  
341 (a) Meeting Date: 10/10/08  
Claims Bar Date: 04/29/13

Exhibit A

	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 Formally Abandoned OA=554(a) Abandon	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	home located at: 7168 FM 839 S. Henderson, TX 75654 Rusk Cou	19,560.00	0.00		0.00	FA
2	Austin Bank	451.02	0.00		0.00	FA
3	Chase- checking	129.25	0.00		0.00	FA
4	Austin Bank-checking/business	542.87	0.00		0.00	FA
5	Household Goods	6,260.00	0.00		0.00	FA
6	men's clothing	100.00	0.00		0.00	FA
7	child's clothing	300.00	0.00		0.00	FA
8	women's clothing	300.00	0.00		0.00	FA
9	watch	150.00	0.00		0.00	FA
10	two wedding band sets	1,000.00	0.00		0.00	FA
11	.22 pistol	50.00	0.00		0.00	FA
12	six fishing poles, tackle	200.00	0.00		0.00	FA
13	weights, exercise bike, exercise equipment	200.00	0.00		0.00	FA
14	AFLAC	800.00	0.00		0.00	FA
15	American General	200.00	0.00		0.00	FA
16	Class Action Suit-Tyler Pipe Overtime dispute	500.00	0.00		0.00	FA
17	1994 F150 mi= 222k (not running)	500.00	0.00		0.00	FA
18	2008 Ford Focus	17,000.00	0.00		0.00	FA
19	2005 Pontiac Vibe mi= 24k	11,750.00	0.00		0.00	FA
20	1988 Raycraft, motor, trailer	1,800.00	0.00		0.00	FA
21	misc. hand tools,	150.00	0.00		0.00	FA
22	desk, chair, general office supplies	250.00	0.00		0.00	FA
23	three dogs, riding lawnmower, misc. tools	200.00	0.00		0.00	FA
24	Yasmin claim vs Bayer, et al (u)	Unknown	10.00		332,222.66	FA

TOTALS (Excluding Unknown Values)

\$62,393.14

\$10.00

\$332,222.66

Gross Value of Remaining Assets

\$0.00

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

Page: 2

Exhibit A

Case No: 08-60855 BP Judge: Bill Parker  
Case Name: MCKINNEY, KENNETH D.  
MCKINNEY, VIRGINIA M.  
For Period Ending: 05/22/14

Trustee Name: JASON R. SEARCY  
Date Filed (f) or Converted (c): 09/12/08 (f)  
341 (a) Meeting Date: 10/10/08  
Claims Bar Date: 04/29/13

---

(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:

5-1-14 - TFR submitted to UST

RE PROP # 1 -- Reaffirmed debt to Wells Fargo Financial Texas, Inc.  
RE PROP # 18 -- Reaffirmed debt to Regions Bank  
RE PROP # 19 -- Reaffirmed debt to GMAC  
RE PROP # 24 -- Class action suit on Yasmin medication. Trustee has employed special counsel, Burg Simpson, et al, and co-counsel, Sokolove Law, LLC on contingency fee basis. 30% holdback of full amount due for lien resolution

Initial Projected Date of Final Report (TFR): 12/31/14 Current Projected Date of Final Report (TFR): 05/31/14

**FORM 2  
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Exhibit B

Case No: 08-60855  
Case Name: MCKINNEY, KENNETH D.  
MCKINNEY, VIRGINIA M.  
Taxpayer ID No: XX-XXX7671  
For Period Ending: 05/22/14

Trustee Name: JASON R. SEARCY  
Bank Name: First National Bank of Vinita  
Account Number/CD#: XXXXXX1627 - Money Market Account  
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 (\$)
08/16/13	24	Burg Simpson Yaz Settlement Fund 7775 Cooper Road Cincinnati, OH 45242			68,115.44		68,115.44
			Yasmin claim vs Bayer, et al	255,000.00	1242-000		
		Burg Simpson Eldredge Hersh Jardine P.C. 40 Inverness Drive East Englewood, CO 80112	Order dated 6-24-13	(73,440.00)	3210-000		
		Burg Simpson Eldredge Hersh Jardine P.C. 40 Inverness Drive East Englewood, CO 80112	Order dated 6-24-13	(1,684.56)	3220-000		
		Sokolove Law, LLC 93 Worcester Street Suite 101 Wellesley, MA 80112	Order dated 6-24-13	(18,360.00)	3210-000		
		The Garretson Resolution Group	Order dated 6-24-13	(1,600.00)	3991-000		
		MDL Assessment		(15,300.00)	2990-000		
		Private Lien Holdback (30%)	BCBS of TX; BCBS of AL (May or may	(76,500.00)	4220-000		
09/09/13		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		30.33	68,085.11
10/07/13		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		69.96	68,015.15
11/07/13		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		72.22	67,942.93
11/08/13	000101	Virginia M. McKinney 310 S. Frisco Ave Henderson, TX 75654	Order dated 11-06-13, DKT #33	8100-002		58,400.00	9,542.93
12/06/13		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		37.82	9,505.11
01/08/14		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		10.10	9,495.01
02/07/14		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		10.08	9,484.93

Page Subtotals

68,115.44

58,630.51

**FORM 2  
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD**

Case No: 08-60855  
Case Name: MCKINNEY, KENNETH D.  
MCKINNEY, VIRGINIA M.  
Taxpayer ID No: XX-XXX7671  
For Period Ending: 05/22/14

Trustee Name: JASON R. SEARCY  
Bank Name: First National Bank of Vinita  
Account Number/CD#: XXXXXX1627 - Money Market Account  
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 (\$)
03/07/14		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		10.00	9,474.93
04/07/14		First National Bank of Vinita	ACH (AUTO DEBIT)	2600-000		10.06	9,464.87
04/15/14	24	Burg Simpson Yaz Settlement Fund 6281 Tri Ridge Blvd., #300 Loveland, OH 45140		1242-000	77,222.66		86,687.53

COLUMN TOTALS	145,338.10	58,650.57	86,687.53
Less: Bank Transfers/CD's	0.00	0.00	
Subtotal	145,338.10	58,650.57	
Less: Payments to Debtors	0.00	58,400.00	
Net	145,338.10	250.57	

Money Market Account - XXXXXX1627

Total Allocation Receipts: 186,884.56  
Total Net Deposits: 145,338.10  
Total Gross Receipts: 332,222.66

TOTAL OF ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
	145,338.10	250.57	86,687.53
	-----	-----	-----
	145,338.10	250.57	86,687.53
	=====	=====	=====
	(Excludes account transfers)	(Excludes payments to debtors)	Total Funds on Hand

Page Subtotals 77,222.66 20.06

Exhibit C  
ANALYSIS OF CLAIMS REGISTER

Case Number: 08-60855  
Debtor Name: MCKINNEY, KENNETH D.  
Claims Bar Date: 04/29/13

Date: May 22, 2014

Code #	Creditor Name & Address	Claim Class	Notes	Scheduled	Claimed	Allowed
100 2100	JASON R. SEARCY 446 FOREST SQUARE P.O. BOX 3929 LONGVIEW 75605	Administrative		\$0.00	\$14,074.48	\$14,074.48
100 2200	JASON R. SEARCY 446 FOREST SQUARE P.O. BOX 3929 LONGVIEW 75605	Administrative		\$0.00	\$200.85	\$200.85
106 99 8100	Virginia M. McKinney 310 S. Frisco Ave Henderson, TX 75654	Administrative		\$0.00	\$58,400.00	\$58,400.00
100 100 3210	Burg Simpson Eldredge Hersh Jardine P.C. 40 Inverness Drive East Englewood, CO 80112	Administrative		\$0.00	\$73,440.00	\$73,440.00
101 100 3220	Burg Simpson Eldredge Hersh Jardine P.C. 40 Inverness Drive East Englewood, CO 80112	Administrative		\$0.00	\$1,684.56	\$1,684.56
102 100 3210	Sokolove Law, LLC 93 Worcester Street Suite 101 Wellesley, MA 01112	Administrative		\$0.00	\$18,360.00	\$18,360.00
103 100 3991	The Garretson Resolution Group	Administrative		\$0.00	\$1,600.00	\$1,600.00
104 100 2990	MDL Assessment	Administrative		\$0.00	\$15,300.00	\$15,300.00
			MDL Assessment has a hold back for common benefit expenses, etc.			
1 300 7100	Austin Bank Texas NA PO Box 6950 Longview, TX 75608-6950 Attn: Kathie Green	Unsecured		\$0.00	\$2,033.81	\$2,033.81
2 300 7100	Discover Bank DB Servicing Corporation PO Box 3025 New Albany, OH 43054-3025	Unsecured		\$0.00	\$6,501.97	\$6,501.97
3 300 7100	PYOD, LLC its successors and assigns as assignee of Citibank, N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602	Unsecured		\$0.00	\$367.94	\$367.94
4 300 7100	First National Bank of Omaha 1620 Dodge Street Stop Code 3105 Omaha Ne 68197	Unsecured		\$0.00	\$4,578.20	\$4,578.20
105 400 4220	Private Lien Holdback (30%)	Secured		\$0.00	\$76,500.00	\$76,500.00
Case Totals				\$0.00	\$273,041.81	\$273,041.81

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

## TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 08-60855

Case Name: MCKINNEY, KENNETH D.

MCKINNEY, VIRGINIA M.

Trustee Name: JASON R. SEARCY

Balance on hand \$

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payment to Date	Proposed Payment
105	Private Lien Holdback (30%)	\$	\$	\$	\$

Total to be paid to secured creditors \$ \_\_\_\_\_

Remaining Balance \$ \_\_\_\_\_

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

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee Fees: JASON R. SEARCY	\$	\$	\$
Trustee Expenses: JASON R. SEARCY	\$	\$	\$
Attorney for Trustee Fees: Burg Simpson Eldredge Hersh Jardine P.C.	\$	\$	\$
Attorney for Trustee Expenses: Burg Simpson Eldredge Hersh Jardine P.C.	\$	\$	\$
Other: MDL Assessment	\$	\$	\$
Other: Sokolove Law, LLC	\$	\$	\$
Other: The Garretson Resolution Group	\$	\$	\$

Total to be paid for chapter 7 administrative expenses \$ \_\_\_\_\_

Remaining Balance \$ \_\_\_\_\_

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

NONE

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:

NONE

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, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	Austin Bank Texas NA	\$ _____	\$ _____	\$ _____
2	Discover Bank	\$ _____	\$ _____	\$ _____
3	PYOD, LLC its successors and assigns as assignee	\$ _____	\$ _____	\$ _____
4	First National Bank of Omaha	\$ _____	\$ _____	\$ _____

Total to be paid to timely general unsecured creditors \$ \_\_\_\_\_

Remaining Balance \$ \_\_\_\_\_

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:

NONE

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:

NONE

To the extent funds remain after payment in full to all allowed claims, interest will be paid at the legal rate of \_\_\_\_\_ % pursuant to 11 U.S.C. § 726(a)(5). Funds available for interest are \$ \_\_\_\_\_. The amounts proposed for payment to each claimant, listed above, shall be increased to include the applicable interest.

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