Linda S. Payne
Chapter 7 Bankruptcy Trustee
12770 Coit Road, Suite 541
Dallas, TX 75251
972 628 3695
linda@paynetrustee.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

In re:	§	
	§	
SMITHERS, DAVID A	§	Case No. 12-43090 BTR
	§	
Debtor(s)	§	

TRUSTEE'S FINAL REPORT (TFR)

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

1. A petition under chapter 7 of the United States Bankruptcy Code was filed on 11/09/2012 . The undersigned trustee was appointed on 11/09/2012 .

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 $ 3,616.00

Funds were disbursed in the following amounts:

Payments made under an interim disbursement		0.00
Administrative expenses		0.00
Bank service fees		20.00
Other payments to creditors		0.00
Non-estate funds paid to 3rd Parties		0.00
Exemptions paid to the debtor		0.00
Other payments to the debtor		0.00
Leaving a balance on hand of[1]	$	3,596.00

The remaining funds are available for distribution.

[1] 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.

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 03/21/2013 and the deadline for filing governmental claims was 06/19/2013 . 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 $ 904.00 . To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received $ 0.00 as interim compensation and now requests a sum of $ 904.00 , for a total compensation of $ 904.00 [2]. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of $ 0.00 , and now requests reimbursement for expenses of $ 162.99 , for total expenses of $ 162.99 [2].

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

Date: 06/27/2013 By: /s/LINDA PAYNE, TRUSTEE
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.

[2] 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

Exhibit A

Case No: 12-43090 BTR Judge: Brenda T. Rhoades
Case Name: SMITHERS, DAVID A

For Period Ending: 06/27/13

Trustee Name: LINDA PAYNE, TRUSTEE
Date Filed (f) or Converted (c): 11/09/12 (f)
341(a) Meeting Date: 12/07/12
Claims Bar Date: 03/21/13

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. 308 Sandy Cove, Argyle, TX 76226	295,000.00	0.00		0.00	FA
2. Cash and Bank accounts	800.00	0.00		0.00	FA
3. Household Goods	5,770.00	0.00		0.00	FA
4. Books	450.00	0.00		0.00	FA
5. Clothing	400.00	0.00		0.00	FA
6. Jewelry	900.00	0.00		0.00	FA
7. Ben E Keith Co Retirement	24,448.98	0.00		0.00	FA
8. TRS	10,000.00	0.00		0.00	FA
9. 2005 Chevrolet Suburban	7,000.00	0.00		0.00	FA
10. 2013 Jeep Wrangler	35,000.00	0.00		0.00	FA
11. Dog Boxer	100.00	0.00		0.00	FA
12. Dog King Charles Spaniard	100.00	0.00		0.00	FA
13. Possible 2012 tax refund	0.00	4,000.00		3,616.00	FA
					Gross Value of Remaining Assets
TOTALS (Excluding Unknown Values)	$379,968.98	$4,000.00		$3,616.00	$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:

Received tax refund 4/12/13. Ready to close.

Initial Projected Date of Final Report (TFR): 09/13/13 Current Projected Date of Final Report (TFR): 09/13/13

Exhibit B

FORM 2
ESTATE CASH RECEIPTS AND DISBURSEMENTS RECORD

Case No: 12-43090 -BTR
Case Name: SMITHERS, DAVID A

Taxpayer ID No: *******2951
For Period Ending: 06/27/13

Trustee Name: LINDA PAYNE, TRUSTEE
Bank Name: First National Bank of Vinita
Account Number / CD #: *******1935 Checking 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 ($)
			BALANCE FORWARD				0.00
04/04/13	13	David Smthers	Tax refund	1124-000	3,616.00		3,616.00
05/07/13		First National Bank of Vinita	BANK SERVICE FEE	2600-000		10.00	3,606.00
06/07/13		First National Bank of Vinita	BANK SERVICE FEE	2600-000		10.00	3,596.00

COLUMN TOTALS	3,616.00	20.00	3,596.00
Less: Bank Transfers/CD's	0.00	0.00	
Subtotal	3,616.00	20.00	
Less: Payments to Debtors		0.00	
Net	3,616.00	20.00	

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCE
Checking Account - ********1935	3,616.00	20.00	3,596.00
	3,616.00	20.00	3,596.00
	(Excludes Account Transfers)	(Excludes Payments To Debtors)	Total Funds On Hand

Page Subtotals 3,616.00 20.00

EXHIBIT C
ANALYSIS OF CLAIMS REGISTER

Date: June 27, 2013

Case Number: 12-43090
Debtor Name: SMITHERS, DAVID A

Priority Sequence

Code #	Creditor Name & Address	Claim Class	Notes	Scheduled	Claimed	Allowed
000001 070 7100-00	Discover Bank DB Servicing Corporation PO Box 3025 New Albany, OH 43054-3025	Unsecured		$8,804.63	$9,161.71	$9,161.71
000002 070 7100-00	PYOD, LLC its successors and assigns as assignee of Citibank, N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602	Unsecured		$12,032.08	$12,032.08	$12,032.08
000003 070 7100-00	GE Capital Retail Bank c/o Recovery Management Systems Corp 25 SE 2nd Ave Suite 1120 Miami FL 33131-1605	Unsecured		$4,935.00	$5,074.34	$5,074.34
000004 070 7100-00	American Express Centurion Bank c o Becket and Lee LLP POB 3001 Malvern, PA 19355-0701	Unsecured		$5,575.00	$5,805.48	$5,805.48
	Case Totals:			$31,346.71	$32,073.61	$32,073.61

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

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 12-43090 BTR
Case Name: SMITHERS, DAVID A
Trustee Name: LINDA PAYNE, TRUSTEE

Balance on hand $ 3,596.00

Claims of secured creditors will be paid as follows:

NONE

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: LINDA PAYNE, TRUSTEE	$ 904.00	$ 0.00	$ 904.00
Trustee Expenses: LINDA PAYNE, TRUSTEE	$ 162.99	$ 0.00	$ 162.99

Total to be paid for chapter 7 administrative expenses $ 1,066.99

Remaining Balance $ 2,529.01

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 $ 0.00 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 $ 32,073.61 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 7.9 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
000001	Discover Bank	$ 9,161.71	$ 0.00	$ 722.40
000002	PYOD, LLC its successors and assigns as assignee	$ 12,032.08	$ 0.00	$ 948.73
000003	GE Capital Retail Bank	$ 5,074.34	$ 0.00	$ 400.11
000004	American Express Centurion Bank	$ 5,805.48	$ 0.00	$ 457.77

Total to be paid to timely general unsecured creditors $ 2,529.01

Remaining Balance $ 0.00

Tardily filed claims of general (unsecured) creditors totaling $ 0.00 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 0.0 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 $ 0.00 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 0.0 percent.

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

NONE