

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

In re:	§	
	§	
RUSSELL J. OTTO	§	Case No. 13-42777
Annette Otto	§	
	§	
Debtor(s)	§	

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**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 11/18/2013 . The undersigned trustee was appointed on 11/18/2013 .
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 \$ 95,583.33

Funds were disbursed in the following amounts:

Payments made under an interim disbursement	0.00
Administrative expenses	4,803.00
Bank service fees	579.73
Other payments to creditors	0.00
Non-estate funds paid to 3 <sup>rd</sup> Parties	0.00
Exemptions paid to the debtor	0.00
Other payments to the debtor	0.00

Leaving a balance on hand of<sup>1</sup> \$ 90,200.60

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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.

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 04/17/2014 and the deadline for filing governmental claims was 07/16/2014 . 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 \$ 8,029.17 . 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 \$ 8,029.17 , for a total compensation of \$ 8,029.17 <sup>2</sup>. In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$ 0.00 , and now requests reimbursement for expenses of \$ 972.21 , for total expenses of \$ 972.21 <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: 07/10/2015 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.

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<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**

Exhibit A

Case No: 13-42777 BTR Judge: Brenda T. Rhoades Trustee Name: LINDA PAYNE, TRUSTEE  
Case Name: RUSSELL J. OTTO Date Filed (f) or Converted (c): 11/18/2013 (f)  
Annette Otto 341(a) Meeting Date: 12/20/2013  
For Period Ending: 07/10/2015 Claims Bar Date: 04/17/2014

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Est Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1. 3607 Windsor Parkway, Corinth, TX	296,558.00	0.00		0.00	FA
2. Cash on hand	145.33	145.33		0.00	FA
3. Household goods	5,000.00	0.00		0.00	FA
4. Books, etc	1,080.00	0.00		0.00	FA
5. Clothing	300.00	0.00		0.00	FA
6. Furs and jewelry	4,050.00	0.00		0.00	FA
7. Sports equipment	640.00	0.00		0.00	FA
8. Term life insurance policy with Lincoln Benefit	0.00	0.00		0.00	FA
9. Whole life insurance policy with American General	4,933.33	0.00		0.00	FA
10. Whole life insurance policy with American General	4,783.33	0.00		0.00	FA
11. Whole life insurance policy with American General	5,200.00	0.00		0.00	FA
12. Whole life insurance policy with American General	713.91	0.00		0.00	FA
13. Whole life insurance policy with American General	3,841.67	0.00		0.00	FA
14. Whole life insurance policy with American General	2,791.50	0.00		0.00	FA
15. Annuity with Thrivent Financial for Lutherans	2,356.57	0.00		0.00	FA
16. IRA with Oppenheimer Funds	0.00	0.00		0.00	FA
17. IRA with Invesco	38,414.47	0.00		0.00	FA
18. IRA with Fidelity Investments	145,853.27	0.00		0.00	FA
19. Army retirement (not eligible until age 60)	0.00	0.00		0.00	FA
20. R. Otto MD, P.A. d/b/a North Texas Ent & Allergy	0.00	5,000.00		0.00	FA
21. Nortex Realty Solutions, LLC f/k/a Otto Enterprise	0.00	0.00		0.00	FA
22. Tigerbigcat Holdings, LLC (100% interest)	0.00	0.00		0.00	FA
23. Russell Otto d/b/a R A O Enterprises	0.00	0.00		0.00	FA
24. Russ Otto, MD	0.00	0.00		0.00	FA

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

Exhibit A

Case No: 13-42777                      BTR                      Judge: Brenda T. Rhoades                      Trustee Name: LINDA PAYNE, TRUSTEE  
Case Name: RUSSELL J. OTTO                      Date Filed (f) or Converted (c): 11/18/2013 (f)  
                    Annette Otto                      341(a) Meeting Date: 12/20/2013  
For Period Ending: 07/10/2015                      Claims Bar Date: 04/17/2014

1	2	3	4	5	6
Asset Description (Scheduled and Unscheduled (u) Property)	Petition/ Unscheduled Values	Est Net Value (Value Determined by Trustee, Less Liens, Exemptions, and Other Costs)	Property Formally Abandoned OA=554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
25. Denton Surgery Center, LLC d/b/a Texas Health Surg	10,000.00	10,000.00		95,583.33	FA
26. Medical license	0.00	0.00		0.00	FA
27. 2006 Honda Odyssey	4,591.00	0.00		0.00	FA
28. 1995 GMC Sierra	1,147.00	0.00		0.00	FA
29. 1993 GMC Suburban	2,659.00	0.00		0.00	FA
30. 1967 Ford Mustang (not currently running)	2,645.00	0.00		0.00	FA
31. Computer and printer	50.00	0.00		0.00	FA
32. Hand tools and yard tools	150.00	0.00		0.00	FA
33. 1 Dog 2 Cats	0.00	0.00		0.00	FA
INT. Post-Petition Interest Deposits (u)	Unknown	N/A		0.00	Unknown

				Gross Value of Remaining Assets
TOTALS (Excluding Unknown Values)	\$537,903.38	\$15,145.33		\$95,583.33                      \$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:

All information sent to accountant 1/27/15. Waiting on estate tax returns.  
Review claims for possible objections.  
Pay accountant and close

- RE PROP # 1 -- Lienholder DATCU, 1st and 2nd  
Denton County Assessor
- RE PROP # 2 -- Waiting on all bank statements.
- RE PROP # 16 -- Funds siezed by IRS 09/13
- RE PROP # 17 -- (funds frozen by IRS)
- RE PROP # 18 -- (funds frozen by IRS)
- RE PROP # 20 -- May have value, debtor sending list.  
Debtor's list shows assets worth \$7,991.00  
Bank statement shows balance in account on the date of filing at \$40,054.67. Waiting to  
see what debt practice had. the practice has a \$120,000 IRS lien for 941 taxes. So no  
value.
- RE PROP # 24 -- Quarterly dividends.

Initial Projected Date of Final Report (TFR): 12/01/2015

Current Projected Date of Final Report (TFR): 12/01/2015

Exhibit A

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

Case No: 13-42777  
Case Name: RUSSELL J. OTTO  
Annette Otto

Trustee Name: LINDA PAYNE, TRUSTEE  
Bank Name: First National Bank of Vinita  
Account Number/CD#: XXXXXX2221  
Checking Account

Exhibit B

Taxpayer ID No: XX-XXX0564  
For Period Ending: 07/10/2015

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 (\$)
05/01/14	25	OTTO, RUSSELL	Payment on distribution	1129-000	\$300.00		\$300.00
05/30/14	25	OTTO, RUSSELL	Payment on distribution	1129-000	\$300.00		\$600.00
06/26/14	25	OTTO, RUSSELL	Payment on distribution	1129-000	\$300.00		\$900.00
07/30/14	25	OTTO, RUSSELL	Payment on distribution	1129-000	\$300.00		\$1,200.00
09/08/14		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$10.00	\$1,190.00
09/17/14	25	Russell Otto	Repayment of distribution	1129-000	\$300.00		\$1,490.00
10/07/14		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$10.00	\$1,480.00
10/28/14	25	Russell Otto, MD	Repayment of distribution	1129-000	\$300.00		\$1,780.00
10/28/14	25	Surgical Care Affiliates	Distribution check	1129-000	\$4,417.71		\$6,197.71
11/07/14		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$10.00	\$6,187.71
11/18/14	25	Russell Otto	Payment on distribution	1129-000	\$300.00		\$6,487.71
12/05/14		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$10.00	\$6,477.71
12/10/14	25	Russell Otto	Payment on distribution	1129-000	\$300.00		\$6,777.71
12/16/14	25	Surgical Care Affiliates	Court approved sale of stock	1129-000	\$86,965.62		\$93,743.33
01/08/15		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$51.78	\$93,691.55

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

Case No: 13-42777  
Case Name: RUSSELL J. OTTO  
Annette Otto

Trustee Name: LINDA PAYNE, TRUSTEE  
Bank Name: First National Bank of Vinita  
Account Number/CD#: XXXXXX2221  
Checking Account

Exhibit B

Taxpayer ID No: XX-XXX0564  
For Period Ending: 07/10/2015

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 (\$)
01/16/15	25	Russell Otto	Payment on assets	1129-000	\$300.00		\$93,991.55
02/04/15	25	Russell Otto	Repayment of distribution	1129-000	\$300.00		\$94,291.55
02/06/15		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$99.64	\$94,191.91
03/02/15	25	Russell Otto	Repayment on distribution	1129-000	\$300.00		\$94,491.91
03/06/15		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$90.31	\$94,401.60
04/07/15		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$100.23	\$94,301.37
04/08/15	25	Russell Otto	Repayment of partnership distribution	1129-000	\$300.00		\$94,601.37
05/05/15	25	Dr. Otto	Repayment of distribution	1129-000	\$300.00		\$94,901.37
05/07/15		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$97.14	\$94,804.23
06/05/15		First National Bank of Vinita	Bank Service Fee under 11 U.S.C. § 330(a)(1)(B), 503(b)(1), and 507(a)(2)	2600-000		\$100.63	\$94,703.60
07/02/15	3001	PAYNE, BILL 12770 Coit Road Suite 541 Banner Place Dallas, TX 75251	Court approved fees	3110-000		\$2,250.00	\$92,453.60
07/02/15	3002	LEVY, SHELDON 6320 Southwestern Blvd Suite 204 Ft Worth, TX 76109	Court approved fees			\$2,553.00	\$89,900.60
		LEVY, SHELDON	(\$2,500.00)	3410-000			
		LEVY, SHELDON	(\$53.00)	3420-000			

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

Case No: 13-42777  
Case Name: RUSSELL J. OTTO  
Annette Otto

Trustee Name: LINDA PAYNE, TRUSTEE  
Bank Name: First National Bank of Vinita  
Account Number/CD#: XXXXXX2221  
Checking Account

Exhibit B

Taxpayer ID No: XX-XXX0564  
For Period Ending: 07/10/2015

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 (\$)
07/08/15	25	Russell Otto	Repayment of distribution	1129-000	\$300.00		\$90,200.60

COLUMN TOTALS	\$95,583.33	\$5,382.73
Less: Bank Transfers/CD's	\$0.00	\$0.00
Subtotal	\$95,583.33	\$5,382.73
Less: Payments to Debtors	\$0.00	\$0.00
Net	\$95,583.33	\$5,382.73

Exhibit B

		TOTAL OF ALL ACCOUNTS		
		NET		ACCOUNT
	NET DEPOSITS	DISBURSEMENTS		BALANCE
XXXXXX2221 - Checking Account	\$95,583.33	\$5,382.73		\$90,200.60
	-----	-----		-----
	\$95,583.33	\$5,382.73		\$90,200.60
	=====			=====
	(Excludes account transfers)	(Excludes payments to debtors)		Total Funds on Hand
Total Allocation Receipts:	\$0.00			
Total Net Deposits:	\$95,583.33			
<u>Total Gross Receipts:</u>	<u>\$95,583.33</u>			



In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$ 302,421.15 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
3A	INTERNAL REVENUE SERVICE	\$ 302,421.15	\$ 0.00	\$ 81,199.22

Total to be paid to priority creditors \$ 81,199.22

Remaining Balance \$ 0.00

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 \$ 12,189.27 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 0.0 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	DISCOVER BANK	\$ 7,320.61	\$ 0.00	\$ 0.00
2	CAPITAL ONE BANK (USA), N.A.	\$ 3,980.53	\$ 0.00	\$ 0.00
3B	INTERNAL REVENUE SERVICE	\$ 888.13	\$ 0.00	\$ 0.00

Total to be paid to timely general unsecured creditors \$ 0.00

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