

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MAY 15 1997

IN RE: )  
 )  
DELWIN MORTON ) CASE NO. 90-41510-S  
 ) CHAPTER 7  
 )  
DEBTOR )

AMENDED  
MOTION TO REOPEN CHAPTER 7 CASE  
AND  
DIRECT U. S. TRUSTEE TO APPOINT TRUSTEE

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE PRESIDING:

COMES NOW Linda Payne, Trustee and files this her Motion to Reopen Chapter 7 Case and Direct U. S. Trustee to Appoint Trustee in the above styled and numbered case and in support thereof would show the court as follows:

1. This case was commenced by the filing of an voluntary petition under Chapter 7 on October 1, 1990. Movant was appointed trustee of the estate on February 10, 1993.
2. Movant filed a Trustee's Final Report in this case and it was approved by this court on June 16, 1997. A supplemental Final report, showing a "0" balance was filed on June 23, 1998.
3. Since that time the debtor was ordered to pay the estate \$100,252.00 in restitution.
4. Those funds were paid April 29, 1999 and have been deposited in a trust account.
5. The U. S. Trustee will need to appoint a Trustee to administer those assets.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION OR REQUEST FOR HEARING IS FILED WITH THE U. S. BANKRUPTCY CLERK, 660 N. CENTRAL EXPRESSWAY, WELLS FARGO BANK BUILDING, SUITE 300, PLANO, TX 75074, AND A COPY SERVED UPON THE TRUSTEE AT THE ADDRESS IN THE LOWER RIGHT HAND CORNER OF THIS MOTION WITHIN 20 DAYS FROM THE DATE OF FILING OF THIS MOTION, UNLESS THE COURT, SUA SPONTE, OR UPON TIMELY APPLICATION OF A PARTY IN INTEREST SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION OR REQUEST FOR HEARING.

IF NO OBJECTION OR REQUEST FOR HEARING IS TIMELY FILED, THE MOTION SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE MOTION. THE COURT RESERVES THE RIGHT TO SET ANY MATTER FOR HEARING.

WHEREFORE, PREMISES CONSIDERED, Linda S. Payne, Trustee requests that this court issue its order reopening this case and direct The U. S. Trustee to appoint a Trustee.

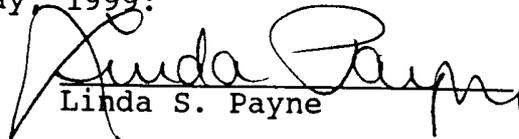
Dated: May 5, 1999



Linda S. Payne, Trustee  
100 North Main Street  
Paris, TX 75460  
903 784 4393

CERTIFICATE OF SERVICE

I, Linda S. Payne, hereby certify that a true and correct copy of the foregoing Amended Motion to Reopen was sent to the following listed persons by first class, United States Mail this 5<sup>th</sup> day of May, 1999:



Linda S. Payne

Delwin Morton  
402 Chisholm Place, Ste 400  
Plano, TX 75074

John Hardy  
909 ESE Loop 323, Suite 750  
Tyler, TX 75701

U. S. Trustee  
300 NCNB Center Plaza  
110 N. College  
Tyler, TX 75702

Delwin Morton - 90-41510

SCHEDULE B

TRUSTEE COMPENSATION:

Total Receipts \$ 101,195.33  
15% of first \$1,000.00 = \$ \*

6% of next \$2,000.00 = \*

3% over \$3,000.00 = \$ 3,032.86

\*Received 15% and 6% in original case

Total Trustee Fees =\$ 3,035.86

UNREIMBURSED EXPENSES:

Recording Fees-----	\$		
Premium on bond-----	\$		
Travel			
760 miles @ .35 a mile-----	\$	266.00	See Exhibit "A"
Clerical & Stenographic-----	\$	67.50	"
Postage-----	\$	17.74	"
Copies 370 @.25-----	\$	92.50	"
Copy Service-----	\$		"

TOTAL UNREIMBURSED EXPENSES—\$ 443.74

RECORDS:

Trustee did not take possession of business or personal records of the debtor.

      X      

Trustee did take possession of business or personal records of the debtor.

Notice will be given to debtor to pick up business or personal records in hands of trustee. If not picked up within 30 days of notice such records will be destroyed.

Exhibit "A" - Expenses of Morton

Travel:

Plano - Meet with U. S. Attorney - 220 miles  
Plano - Meet with U. S. Attorney - 220 miles  
Sherman - Meet with U. S. Attorney - 160 miles  
Sherman - Testify - 160 miles

760 miles @ 0.35 per mile = \$266.00

<u>Secretarial, Copies &amp; Postage:</u>	<u>Copies</u>	<u>Postage</u>
Application to Reopen Case and Appoint Trustee 0.25	18	1.54
Amended Final Report 3.00	150	6.40
Distribution Checks 1.50	22	6.60
Supplemental Final Report 2.00	180	3.20

**Totals:**

Travel = 760 miles @ 0.35 per mile-----\$ 266.00  
Secretarial = 6.75 hrs @ \$10.00 per hour ----- 67.50  
Copies = 370 @ \$0.25 each ----- 92.50  
Postage----- 17.74

Total = \$443.74

Delwin Morton 90-41510

SCHEDULE C  
EXPENSES OF ADMINISTRATION

	AMOUNT CLAIMED	AMOUNT PAID	AMOUNT DUE
1. 11 U.S.C. Sec 507(a)(1)			
<u>Court Cost and Fees</u>			
A. Notice & Claim Fees	\$		
B. Court filing fees	\$ 130.00	130.00	0
(Fee to Reopen case)			
C. Quarterly Chapt 11			
2. 11 U.S.C. Sec 503(b)(1)(a)			
<u>Preservation of estate</u>			
A. Transportation			
B. Storage			
C. Wages			
D. Estates share FICA			
E. Watchman			
F. Insurance			
H. Advertising			
I. Expenses in Sale of Real Estate			
J. Operation of Business			
K. Rent			
3. 11 U.S.C. Sec.503(b)(2)			
<u>Post-Petition Taxes     and related penalties</u>			
4. 11 U.S.C. Sec.503(a)			
<u>Compensation and     Reimbursement</u>			
A. Trustee Fees	\$ 3,035.86	0	3,035.86
B. Trustee Expenses	443.74	0	443.74
C. Attorney to Trustee	0	0	0
D. Expenses for Attorney	0	0	0
E. Attorney to Debtor	0	0	0
F. Expenses for Attorney	0	0	0
G. Auctioneers	0	0	0
H. Appraisers	0	0	0
I. Accountant	0	0	0

Delwin Morton - 90 41510

5. 11 U.S.C. Sec.503(b)(3)  
Expenses of Creditors  
or Committees

6. 11 U.S.C. Sec 503(b)(4)  
Compensation of professionals  
for creditors or committees

7. Other

TOTAL-----\$	3,609.60	130.00	3,479.60
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SCHEDULE D

PRIORITY CLAIMS OTHER THAN ADMINISTRATIVE EXPENSES  
IN THE FOLLOWING ORDER OF PRIORITY

	(1) Claim No.	(2) Amt. Claimed	(3) Amt. Allowed	(4) Amt. Paid	(5) Due
1. For Credit Extended Sec364(e) (1)					
2. Claims from failure of adequate protection Sec.307(a) (b)					
3. "Gap Claims" Sec.507(a) (2)					
4. Wages, etc. Sec.507(a) (3)					
5. Contributions to benefit plans Sec.507(a) (4)					
6. Consumer deposits Sec.507(a) (6)					
7. Taxes Sec.507(a) (8)					
IRS	27	123,112.20	ALL	50,116.27	72,995.93
City of Lewisville	4	28,119.80	ALL	16,029.26	12,090.54

SCHEDULE E

SECURED CLAIMS

Claim No.	Creditor	(1) Amt of Claim	(2) Amt. Not Determined	(3) Amt. Allowed	(4) Amt. Paid	(5) Amt Due
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Total of Secured Claims	\$	84,532.19	0	0	0	0
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Total UNSECURED CLAIMS Allowed: \$57,218,813.69 (Filed)  
45,100,687.42 (Allowed)

Eastern District of Texas  
CLAIMS REGISTER

03/26/1993 Last Date to File Claims: \*\*/\*\*/\*\* 90-41510 cha Page  
Delwin Wayne Morton

Name and Address of Claimant	Amount of Claims Filed and Allowed	Remarks
No: 1 Filed: 10/19/90 Holy Cross Electric Drawer 2150 Glenwood Springs CO 81602	Filed Amt: 180.42 g	
No: 2 Filed: 10/31/90 Resolution Trust Corp. for Aspen Svg Bank, FSB P. O. Box 8207 Aspen, CO 81612	Filed Amt: 24,307.47 g	
No: 3 Filed: 10/22/90 Collin County Tax Assessor- 210 S. MCDonald MCKinney, Texas 75069	Filed Amt: 933.73 t	Paid in full 1988
No: 4 Filed: 11/15/90 City Of Lewisville Texas 386 W.Main Lewisville, TX 75067	Filed Amt: 28,119.80 t	Paid PAID 14,029.26 in five final. Still owe 12,090.54
No: 5 Filed: 11/16/90 Stigall & Maxfield 1300 First City Center 1700 Pacific Avenue Dallas, TX 75201	Filed Amt: 7,839.38 g	
No: 6 Filed: 11/20/90 Team Bank P. O. Box 36651 Dallas, TX 75235	Filed Amt: 529,868.77 g	
No: 7 Filed: 11/20/90 District Director IRS Special Procedures: Gw Code 5020 DAL 1100 Commerce Street Dallas, TX 75242	Filed Amt: 880.34 t	

*only 500  
8/10/93*

*five final. Still owe 12,090.54*

*only 500  
8/10/93*

*only 500  
8/10/93*

Eastern District of Texas  
CLAIMS REGISTER

03/26/1993 Last Date to File Claims: \*\*/\*\*/\*\* 90-41510 cha Page  
Delwin Wayne Morton

Name and Address of Claimant	Amount of Claims Filed and Allowed	Remarks
No: 8 Filed: 12/04/90 Team Bank c/o Mark A. Brunger P. O. Box 36651 Dallas, TX 75235	<del>Filed Amt: 529,068.27 g</del>	<del>Same</del>
No: 9 Filed: 12/05/90 Pacific Southwest Bank, F.S.B. c/o Michelle E. Robberson 3700 Bank One Center 1717 Main Street Dallas, TX 75201	Filed Amt: 224,048.66 g	
No: 10 <sup>29</sup> Filed: 12/31/90 Collin County Tax Assessor 210 S. McDonald MCKinney, Texas 75069	<del>Filed Amt: 2,227.87 t</del> allowed for \$1,573.62	Full amount paid 1990 PAID in full by debtor. Returned funds
No: 11 Filed: 12/20/90 Bluebonnet Savings Bank FSB c/o David Elmquist 5400 Renaissance tower 1201 Elkm Street Dallas, TX 75270	Filed Amt: 2,008,470.20 g	IN Kt FINAL
No: 12 Filed: 01/07/91 Estate of Milam Ray Bobbitt 4300 Roland #905 Dallas, TX 75219	<del>Filed Amt: 35,000.00 s</del>	<del>Proposed by...</del>
No: 13 Filed: 12/21/90 City of Plano/Plano ISD 1520 Avenue K Plano, TX 75086	<del>Filed Amt: 4,632.75 t</del>	
No: 14 Filed: 01/08/91 Metropolitan National Bank 4100 Spring Valley Road, Ste. 900 Dallas, TX 75244	Filed Amt: 761,658.86 g	

Submitted to FDIC  
 Mortgage (Circulars)

Eastern District of Texas  
CLAIMS REGISTER

03/26/1993 Last Date to File Claims: \*\*/\*\*/\*\* 90-41510 cha Page  
Delwin Wayne Morton

Name and Address of Claimant	Amount of Claims Filed and Allowed	Remarks
No: 15 Sandia Federal P. O. Box 1008 500 Marquette N.W. Albuquerque, NM 87103	Filed: 01/22/91 Filed Amt: 115,130.67 g	
No: 16 Resolution Trust Corp. c/o Curtis Ambrose 1201 Main St 13th Fl Dallas TX 75202	Filed: 01/28/91 Filed Amt: <del>1,951,215.70 s</del>	<i>70 P/Ly 545 8/10/93</i> <del>_____</del>
No: 17 Sunbelt Savings 300 W. Carpenter Frwy 4th Floor Irving, TX 75062	Filed: 01/30/91 Filed Amt: 25,022,535.10	<i>Albano as allowed as general unsecured</i> <del>_____</del> ERIC 5/28/91 Fidelity Investments 1524 S
No: 18 Resolution Trust Corporation c/o Richard H. Lottman 102 No. College, Ste 700 Tyler, TX 75702-7273	Filed: 01/30/91 Filed Amt: <del>9,073,774.03 s</del>	<i>70 P/Ly 545 8/10/93</i> <del>_____</del> Pascual, Hernandez, Sosa 1501 02/11/91
No: 19 David McCall 701 E. 15th Street Plano, TX 75074	Filed: 01/30/91 Filed Amt: 130,597.65 g	<del>_____</del>
No: 20 Hibernia Nat'l Bank c/o William L. Wallander 5400 Renaissance Tower 1201 Elm Street Dallas, TX 75270	Filed: 01/30/91 Filed Amt: 496,178.95 g	<del>_____</del> ERIC
No: 21 Russel H. Beatie, Jr. c/o Brown & Wood One World Trade Center 57th Floor New York, NY 10048	Filed: 01/31/91 Filed Amt: 25,078.59 g	

Eastern District of Texas  
CLAIMS REGISTER

03/26/1993 Last Date to File Claims: \*\*/\*\*/\*\* 90-41510 cha p  
Delwin Wayne Morton

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Name and Address of Claimant Amount of Claims Filed and Allowed Remarks  
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No: 22 Filed: 01/31/91 Filed Amt:  
14,515.35 g

Brown & Wood  
One World Trade Center  
New York, NY 10048

No: 23 Filed: 01/31/91 Filed Amt:  
6,279,298.80 g

Resolution Trust Corp.  
c/o Curtis Ambrose  
1201 Main St 13th Fl  
Dallas TX 75202

No: 24 Filed: 01/31/91 Filed Amt:  
84,532.19 s

U S West Financial Services  
100 Smith Ranch Road  
Suite 105  
San Rafael, CA 94903

No: 25 Filed: 01/31/91 Filed Amt:  
9,329,355.75 g

FDIC for VERON SAVING  
5080 Spectrum Drive  
Suite 1000 East 400W  
Dallas, TX 75248

No: 26 Filed: 01/31/91 Filed Amt:  
629,155.57 g

Resolution Trust  
c/o Michelle E. Robberson  
1717 Main St.  
3700 Bank One Center  
Dallas, TX 75201-4666

No: 27 Filed: 02/05/91 Filed Amt:  
87,917.95 E 123,114 P

District Director IRS  
Special Procedures: GW  
Code 5020 DAL  
1100 Commerce Street  
Dallas, TX 75242

No: 28 Filed: 02/27/91 Filed Amt:  
27,997.00 g

American Bank of Haltom City  
4900 E. Belknap  
Fort Worth, Texas 76117

*Handwritten notes:*  
35,116.25 added  
Paid 50,116.27 in first final  
Filed amended for # 27,997.93  
4,331.03 g

*Handwritten marks:*  
X  
8/10/93

*Handwritten note:*  
Allowed

*Handwritten note:*  
allowed

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE: )  
 )  
MORTON, DELWIN W. ) CASE NO 90-41510-S  
 ) CHAPTER 7  
 )  
DEBTOR )

Trustee's Second Report of Final Distribution

The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Second Report of Proposed Final Distributions.

1. The Court has entered orders which have become final, and which dispose of all objections to claims, all objections to the trustee's Final Report, all applications for compensation, and all other matters which must be determined by the Court before final distribution can be made.

2. The trustee proposes to make final distribution of the funds of the estate as follows, and will make such distribution upon certification by the U. S. Trustee unless written objection thereto is filed and served on the trustee and on the U. S. Trustee.

Delwin Morton - 90-41510

1. Balance on hand		\$101,065.33
2. Administrative Expenses to be paid (see attached schedule of payees and amounts)	\$ 3,479.60	
3. Priority Claims to be paid (see attached schedule of payees and amounts)	\$85,086.47	
4. Secured Claims to be paid (see attached schedule of payees and amounts)	\$ 0	
5. Unsecured Claims to be paid (see attached schedule of payees and amounts)	\$ 12,499.26	
6. Miscellaneous distributions to be paid (see attached schedule of payees and amounts)	\$ 0	
7. Total Distributions to be made		\$101,065.33
8. Zero Balance		

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Linda S. Payne  
100 North Main  
Paris, TX 75460

**Claims Proposed Distribution**  
**Trustee: LINDA S. PAYNE (631540)**

Case: 90-41510 MORTON, DELWIN

Case Balance: \$101,065.33

Total Proposed Payment: \$101,065.33

Remaining Balance: \$0.00

Claim #	Claimant Name	Type	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment	Remaining Funds
24	U.S. West Financial Services	Secured	84,532.19	0.00	0.00	0.00	0.00	101,065.33
	Linda Payne	Admin Ch. 7	443.74	443.74	0.00	443.74	443.74	100,621.59
	EXP.-TRUSTEE (CH7)							
	Linda Payne	Admin Ch. 7	3,035.86	3,035.86	0.00	3,035.86	3,035.86	97,585.73
	FEES-TRUSTEE (CH7)							
3	Collin County Tax Assessor	Priority	933.73	0.00	0.00	0.00	0.00	97,585.73
4	City of Lewisville	Priority	28,119.80	28,119.80	16,029.26	12,090.54	12,090.54	85,495.19
7	IRS	Priority	880.34	0.00	0.00	0.00	0.00	85,495.19
10	Collin County Tax Assessor	Priority	2,227.87	0.00	0.00	0.00	0.00	85,495.19
13	City of Plano	Priority	4,633.75	0.00	0.00	0.00	0.00	85,495.19
27	IRS	Priority	123,112.20	123,112.20	50,116.27	72,995.93	72,995.93	12,499.26
1	Holy Cross Electric	Unsecured	180.42	180.42	0.00	180.42	0.05	12,499.21
2	RTC/Aspen Savings Bank	Unsecured	24,307.47	24,307.47	0.00	24,307.47	6.74	12,492.47
5	Stigall & Maxfield	Unsecured	7,839.38	7,839.38	0.00	7,839.38	2.17	12,490.30
6	Team Bank	Unsecured	529,068.27	0.00	0.00	0.00	0.00	12,490.30
8	Team Bank	Unsecured	529,068.27	0.00	0.00	0.00	0.00	12,490.30
9	Pacific Southwest Bank/RTC	Unsecured	224,048.66	224,048.66	0.00	224,048.66	62.09	12,428.21
11	Bluebonnet Savings Bank	Unsecured	2,008,470.20	2,008,470.20	0.00	2,008,470.20	556.63	11,871.58
12	Estate of Milam Ray Bobbitt	Unsecured	35,000.00	0.00	0.00	0.00	0.00	11,871.58
14	Metropolitan National Bank/FDIC	Unsecured	761,658.86	761,658.86	0.00	761,658.86	211.09	11,660.49
15	RTC/ScandSandia Federal	Unsecured	115,130.67	115,130.67	0.00	115,130.67	31.91	11,628.58
16	RTC/Plano Savings & Loan	Unsecured	1,951,215.70	0.00	0.00	0.00	0.00	11,628.58
17	Sunbelt Savings/FDIC	Unsecured	25,022,535.10	25,022,535.10	0.00	25,022,535.10	6,934.77	4,693.81
18	RTC/Peoples Heritage Savings	Unsecured	9,073,774.03	0.00	0.00	0.00	0.00	4,693.81
19	David McCall	Unsecured	130,597.65	130,597.65	0.00	130,597.65	36.19	4,657.62
20	Hibernia National Bank	Unsecured	496,178.95	496,178.95	0.00	496,178.95	137.51	4,520.11
21	Russel H. Beatie, Jr.	Unsecured	25,078.59	25,078.59	0.00	25,078.59	6.95	4,513.16
22	Brown and Wood	Unsecured	14,515.35	14,515.35	0.00	14,515.35	4.03	4,509.13
23	RTC/Plano Savings & Loan	Unsecured	6,279,298.80	6,279,298.80	0.00	6,279,298.80	1,740.25	2,768.88
25	Vernon Savings/FDIC	Unsecured	9,329,355.75	9,329,355.75	0.00	9,329,355.75	2,585.54	183.34
26	RTC/Plano Bank and Trust	Unsecured	629,155.57	629,155.57	0.00	629,155.57	174.37	8.97
27	IRS	Unsecured	4,339.00	4,339.00	0.00	4,339.00	1.20	7.77

(\*) Denotes objection to Amount Filed

**Claims Proposed Distribution**  
**Trustee: LINDA S. PAYNE (631540)**

Case: 90-41510 MORTON, DELWIN

Case Balance: \$101,065.33      Total Proposed Payment: \$101,065.33      Remaining Balance: \$0.00

Claim #	Claimant Name	Type	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment	Remaining Funds
28	American Bank of Haltom City	Unsecured	27,997.00	27,997.00	0.00	27,997.00	7.77	0.00
<b>Total for Case 90-41510 :</b>			<b>\$57,466,733.17</b>	<b>\$45,255,399.02</b>	<b>\$66,145.53</b>	<b>\$45,189,253.49</b>	<b>\$101,065.33</b>	<b>\$0.00</b>

**CASE SUMMARY**

	Amount Filed	Amount Allowed	Paid to Date	Proposed Payment
<b>Total Administrative Claims :</b>	\$3,479.60	\$3,479.60	\$0.00	\$3,479.60
<b>Total Priority Claims :</b>	\$159,907.69	\$151,232.00	\$66,145.53	\$85,086.47
<b>Total Secured Claims :</b>	\$84,532.19	\$0.00	\$0.00	\$0.00
<b>Total Unsecured Claims :</b>	\$57,218,813.69	\$45,100,687.42	\$0.00	\$12,499.26

(\*) Denotes objection to Amount Filed

**UNITED STATES BANKRUPTCY COURT**

Eastern District of Texas

Sherman Division

**IN RE:**  
Delwin Wayne Morton  
Debtor(s)

§ Bankruptcy Case No.: 90 - 41510  
§  
§ Chapter: 7

**NOTICE OF FILING OF FINAL REPORT OF TRUSTEE,  
APPLICATIONS FOR COMPENSATION AND PROPOSED DISTRIBUTIONS**

NOTICE IS GIVEN that the Trustee's Final Report and Account, Report of Proposed Final Distribution and Applications for Compensation have been filed. These documents are available for public inspection at the office of the Bankruptcy Clerk, **Sherman Division 660 N. Central Expressway, Suite 300B Plano, TX 75074**, or at the case trustee's office whose name and address is as follows: **Linda Payne, 100 North Main Street Paris, TX 75460-4171.**

The following Applications for Compensation have been filed:

<b>Applicants</b>	<b>Fees Requested</b>	<b>Expenses Requested</b>
Linda Payne, Trustee Atty for Trustee: Bill F. Payne U.S. Trustee	3035.86	443.74
		a
U.S. Bankruptcy Court costs		130

The Trustee's account shows:

<b>Total Receipts</b>	<b>Total Disbursements</b>	<b>Balance</b>
<b>101195.33</b>	<b>130</b>	<b>101065.33</b>

In addition to the commissions and fees that may be allowed by the Court, liens and priority claims which must be paid in advance of general creditors have been allowed in the total amount of **85086.47**; general unsecured claims have been allowed in the amount of **45100687.42**. The debtor has been discharged.

Written objections to the Final Report, Application for Compensation and/or proposed Distributions must be filed with the Clerk of the Court and served on the trustee at the above mentioned address within 30 days from the date of this notice. If no objections are filed, the Court may consider the Report and Applications without a hearing. If objections are filed, a hearing will be held on **03/07/00 - 11:30 am at Plano Bankruptcy Courtroom U. S. Bankruptcy Court 3rd Floor 660 North Central Expressway Plano Parkway at N. Central Expressway Plano, TX 75074.**

Date: 01/24/00

James D. Tokoph, Clerk of Court

By: jc  
Deputy Clerk

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

2000 JAN 24 AM 9:49  
CLERK OF COURT  
BY: *Mh*

IN RE:

MORTON, DELWIN W.

DEBTORS

)  
) CASE NO. 90-41510-S  
) CHAPTER 7  
)  
)  
)

TRUSTEE'S SECOND  
FINAL REPORT AND PROPOSED DISTRIBUTION

LINDA PAYNE, trustee of the estate of the above-named Debtors, certifies to the Court and the United States Trustee, that the trustee has faithfully and properly fulfilled the duties of the office of the trustee, that the trustee has examined all proofs of claims as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper, and consistent with the law and rules of court.

Therefore, the trustee requests that the Second Final Report and Proposed Distribution be accepted.

Date: 10/27/99

*Linda Payne*  
Linda Payne, Trustee

+++++

REVIEW BY UNITED STATES TRUSTEE

I have reviewed the Trustee's Second Final Report and Proposed Distribution.

William T. Neary  
United States Trustee  
Eastern District of Texas

Dated: 1/18/00

*WTC*  
By: \_\_\_\_\_

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE: )  
MORTON, DELWIN W. )  
DEBTOR ) )  
CASE # 90-41510-S )  
CHAPTER 7 )

TRUSTEE'S SECOND FINAL REPORT AND APPLICATION TO CLOSE CASE  
AND DISCHARGE TRUSTEE

The Trustee of the estate presents the following final report:

1. The Trustee applies for commissions and expenses set forth in Schedule A and states: That they are reasonable and proper; that in the course of the performance of duties, the Trustee has advanced moneys from personal funds for expenses and has not been reimbursed.

2. The Trustee submits Form I as a summary of the assets and an estate property record. Any property scheduled under 11 U.S.C. Sec. 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. Sec. 554 (c).

3. The Trustee has reduced all assets of this estate to cash or otherwise lawfully disposed of them and the estate is ready to be closed.

4. The Trustee submits Form II as the account of estate cash receipts and disbursements.

5. There is no agreement or understanding between the Trustee and any other person for a division of the compensation sought by this application except as permitted

6. The Trustee requests approval of this final report.

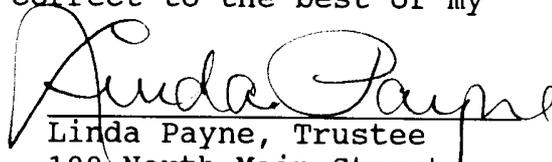
7. The trustee has examined each and every claim filed and noted her approval of claims as filed, or she has filed objections to allowance or requests for reclassification.

8. The Trustee further requests that after final distribution of all moneys in accordance with the Trustee's Report of Final Distribution, and upon filing of a Supplemental Final Report and Account and certification by the U. S. Trustee the trustee be discharged from office and that the case be closed.

9. Trustee's Final Report and Proposed Distribution was filed with this Court on June 5, 1997 and a Supplemental Final Report showing a "0" balance was filed on June 23, 1998. The case was closed by this Court. On April 30, 1999 this trustee filed an Application to Reopen Chapter 7 case to distribute funds received as restitution. This report deals only with those funds.

I declare under penalty of perjury that this Report and attached Schedules are true and correct to the best of my knowledge and belief.

Dated: 10/27/99

  
Linda Payne, Trustee  
100 North Main Street  
Paris, TX 75460-4171  
903 784 4393

SCHEDULE A-1

Case Name: MORTON

Case Number: 90-41510-S

A: Receipts	\$	101,195.33
B. Disbursements		
1. Secured Creditors		0
2. Administrative		130.00
3. Priority		0
4. Other		0
TOTAL DISBURSEMENTS	\$	130.00
C. Current Balance	\$	101,065.33

TRUSTEE'S FINAL REPORT CASE SUMMARY

TRUSTEE:

PAYNE

CASE NAME:

MORTON, DELWIN W.

COMMENTS:

CASE NUMBER:

90-41510

REOPENED CASE

DATE UST APPROVED:

01-18-00

ESTATE INCOME:

TOTAL RECEIPTS:

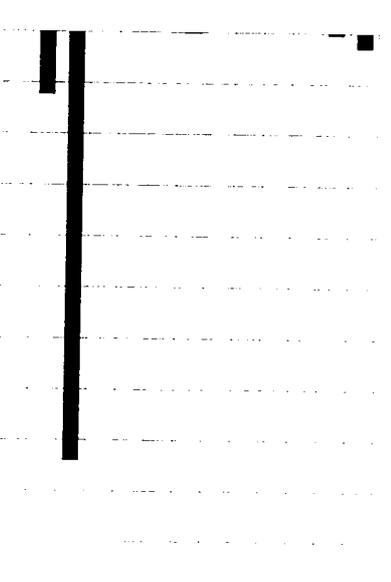
\$101,195.33

100.00%

ESTATE EXPENSES:

TRUSTEE'S COMMISSION  
 TRUSTEE'S EXPENSES  
 FIRM'S PROFESSIONAL FEES  
 FIRM'S PROFESSIONAL EXPENSES  
 OTHER ATTORNEY FEES  
 OTHER PROFESSIONAL FEES  
 COURT COSTS  
 ESTATE EXPENSES(TAXES, ETC)  
 PRIOR CHAPTER COSTS  
 SECURED CLAIMS PAID  
 PRIORITY CLAIMS PAID  
 UNSECURED CLAIMS PAID  
 OTHER(RETURN TO DEBTOR, ETC)

3,035.86  
 443.74  
 0.00  
 0.00  
 0.00  
 0.00  
 130.00  
 0.00  
 0.00  
 0.00  
 85,086.47  
 12,499.26  
 0.00



UNSECURED CLAIMS ALLOWED

45,100,687.42

UNSECURED CLAIMS PAID

12,499.26

PERCENT RECOVERED FOR UNSECURED

0.03%

**Form 1**  
**Individual Estate Property Record and Report**  
**Asset Cases**

Case Number: 90-41510 DS  
 Case Name: MORTON, DELWIN  
 Period Ending: 10/27/99

Trustee: (631540) LINDA S. PAYNE  
 Filed (f) or Converted (c): 10/01/90 (f)  
 \$341(a) Meeting Date: 12/16/96  
 Claims Bar Date: 03/26/93

Ref. #	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 (F/A)/ Gross Value of Remaining Assets
1	RESTITUTION (u)	0.00	100,252.00		100,252.00	0.00
Int	INTEREST (u)	Unknown	N/A		943.33	Unknown
<b>2</b>	<b>Assets Totals (Excluding unknown values)</b>	<b>\$0.00</b>	<b>\$100,252.00</b>		<b>\$101,195.33</b>	<b>\$0.00</b>

**Major Activities Affecting Case Closing:**

This case was reopened due to Mr. Morton paying the estate restitution after being found guilty of bankruptcy fraud. The IRS is filing a new amended proof of claim.  
 As soon as it is filed a new TFR will be filed.

Initial Projected Date Of Final Report (TFR): November 30, 1999

Current Projected Date Of Final Report (TFR):

## Form 2

### Cash Receipts And Disbursements Record

**Case Number:** 90-41510 DS  
**Case Name:** MORTON, DELWIN  
**Taxpayer ID #:** 75-6537049  
**Period Ending:** 10/27/99

**Trustee:** LINDA S. PAYNE (631540)  
**Bank Name:** THE CHASE MANHATTAN BANK  
**Account:** 312-7391313-65 - Money Market Account  
**Blanket Bond:** \$300,000.00 (per case limit)  
**Separate Bond:** N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	5 Receipts \$	6 Disbursements \$	7 Money Market Account Balance
09/99	{1}	UNITED STATES TREASURY	Court ordered restitution	100,252.00		100,252.00
05/05/99	101	United States Bankruptcy Court	Filing fee to reopen case.		130.00	100,122.00
05/28/99	Int	THE CHASE MANHATTAN BANK	Interest posting at 2.0000%	159.43		100,281.43
06/30/99	Int	THE CHASE MANHATTAN BANK	Interest posting at 1.9000%	162.71		100,444.14
07/30/99	Int	THE CHASE MANHATTAN BANK	Interest posting at 1.9000%	162.33		100,606.47
08/31/99	Int	THE CHASE MANHATTAN BANK	Interest posting at 1.9000%	162.48		100,768.95
09/30/99	Int	THE CHASE MANHATTAN BANK	Interest posting at 1.9000%	157.48		100,926.43
10/27/99	Int	Interest Posting	Current Interest Rate is 2.0000%	138.90		101,065.33
10/27/99		To Account #312739131366	Amended Final Report		101,065.33	0.00

<b>ACCOUNT TOTALS</b>	101,195.33	101,195.33	<b>\$0.00</b>
Less: Bank Transfers	0.00	101,065.33	
<b>Subtotal</b>	<b>101,195.33</b>	<b>130.00</b>	
Less: Payments to Debtors	0.00		
<b>NET Receipts / Disbursements</b>	<b>\$101,195.33</b>	<b>\$130.00</b>	