

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

FILED  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS

MAY 10 2002 A.M.  
P.M.

IN RE: )  
)  
MICHAEL GRADY O'KELLEY )  
)  
DEBTOR. )

CLERK, U.S. BANKRUPTCY COURT  
BY DEPUTY *BT*

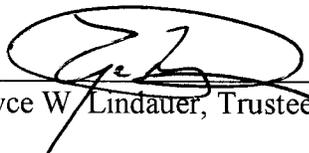
CASE NO. 99-41823  
(CHAPTER 7)

TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION,  
AND REPORT OF PROPOSED DISTRIBUTION

JOYCE W. LINDAUER, Trustee of the estate of the above-named Debtor, certifies to the Court and 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 claim as appropriate under the proposed distribution, and that the proposed distribution, attached hereto, is proper, and consistent with the law and rules of the Court. The trustee applies for commissions and expenses set forth herein and states that they are reasonable and proper.

Therefore, the trustee requests that the Final Report, Application for Compensation, and Report of Proposed Distribution be approved.

Date: 4/29/02

  
\_\_\_\_\_  
Joyce W Lindauer, Trustee

\*\*\*\*\*

REVIEWED BY THE UNITED STATES TRUSTEE

I have reviewed the Trustee's Final Report, Application for Compensation, and Report of Proposed Distribution.

Date: 5-8-02

UNITED STATES TRUSTEE

By:   
\_\_\_\_\_

*aw*

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

IN RE: )  
 )  
MICHAEL GRADY O'KELLEY ) CASE NO. 99-41823  
 ) (CHAPTER 7)  
DEBTOR. )

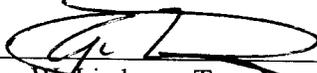
**TRUSTEE'S FINAL REPORT, APPLICATION FOR COMPENSATION AND  
APPLICATION TO CLOSE CASE AND DISCHARGE TRUSTEE**

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 the Trustee 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. § 521(1) and not administered shall be deemed abandoned pursuant to 11 U.S.C. § 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 by the Bankruptcy Code.
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 monies in accordance with the Trustee's Report of Final Distribution and Account and certification by the U.S. Trustee the trustee be discharged from office and that the case be closed.

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: 4/29/02

  
\_\_\_\_\_  
Joyce W. Lindauer, Trustee  
12900 Preston Road, Suite #1050  
Dallas, Texas 75230  
(972) 503-4033

SCHEDULE A-1

FINAL ACCOUNT AS OF:

A.	RECEIPTS	\$13,836.86
B.	DISBURSEMENTS	
	(1) Secured Creditors	\$ 0.00
	(2) Administrative Expenses	\$ 0.00
	(3) Priority Creditors	\$ 0.00
	(4) Other	\$ 0.00
	TOTAL DISBURSEMENTS:	<u>\$ 0.00</u>
C.	CURRENT BALANCE:	<u>\$ 13,836.86</u>

**TRUSTEE'S FINAL REPORT CASE SUMMARY**

**TRUSTEE:**

**LINDAUER**

COMMENTS:

**CASE NAME:**

**O'KELLEY, MICHAEL**

**CASE NUMBER:**

**99-41823**

**DATE UST APPROVED:**

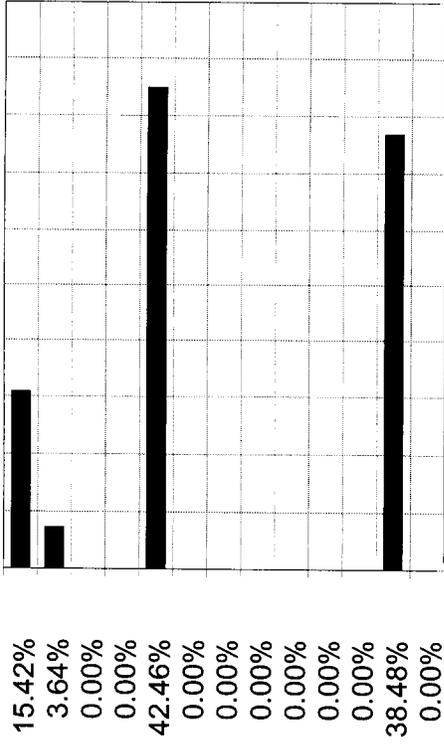
**05-08-02**

**ESTATE INCOME:**

**TOTAL RECEIPTS: \$13,836.86 100.00%**

**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)



**UNSECURED CLAIMS ALLOWED**

**637,298.60**

**UNSECURED CLAIMS PAID**

**5,323.87**

**PERCENT RECOVERED FOR UNSECURED**

**0.84%**

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 99-41823 DRS  
 Case Name: O'KELLEY, MICHAEL GRADY  
 Period Ending: 04/29/02

Trustee: (631680) JOYCE LINDAUER  
 Filed (f) or Converted (c): 06/08/99 (f)  
 §341(a) Meeting Date: 07/16/99  
 Claims Bar Date: 11/16/99

Ref. #	1 Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Abandoned OA=§554(a) abandon. DA=§554(c) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	5610 S. Briar Ridge Circle, McKinney, TX	146,500.00	0.00		0.00	FA
2	Personal Checking Account	1,300.00	1,300.00		1,300.00	FA
3	Household Furniture, Fixtures & Appliances	8,500.00	0.00		0.00	FA
4	Misc. Books, Pictures Other Collectibles	1,200.00	0.00		0.00	FA
5	Personal Clothing	800.00	0.00		0.00	FA
6	Misc. Jewelry , Watch and Other Misc. Items	725.00	0.00		0.00	FA
7	Camera and Other Hobby Equipment	250.00	0.00		0.00	FA
8	Universal Term Life Insurance	3,000.00	0.00		0.00	FA
9	Retirement Account, Conv. to Meral Lynch Acc IRA	125,000.00	0.00		0.00	FA
10	Corp. Stock CNBI, Plano , CNBI Stemmons	0.00	0.00	DA	0.00	FA
11	CNBI West Houston, Metroplex, Hispana Medical	0.00	0.00	DA	0.00	FA
12	All Coporate Accts. Receivables from Clinic	0.00	0.00	DA	0.00	FA
13	Secon Lien Owed By Rosol to Debtor	0.00	0.00	DA	0.00	FA
14	Leased Auto in Personal Name	0.00	0.00		0.00	FA
15	Personal Computer at home	1,500.00	0.00		0.00	FA
16	Transfer to BPH Inc. (u)	5,000.00	5,000.00		5,000.00	FA
17	Transfer to Mobley, Vitz and American Nat'l. (u) Asset #17 is the same as Asset #18	6,000.00	6,000.00		0.00	FA



# Form 2

## Cash Receipts And Disbursements Record

Case Number: 99-41823 DRS  
 Case Name: O'KELLEY, MICHAEL GRADY  
 Taxpayer ID #: 75-2358259  
 Period Ending: 04/29/02

Trustee: JOYCE LINDAUER (631680)  
 Bank Name: THE CHASE MANHATTAN BANK  
 Account: 312-8349291-65 - 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
11/26/01	{16}	B.P. & H. Inc.	Settlement Adversary No. 1-01-4062 O'Kelley vs. B.P.H., Inc.	5,000.00		5,000.00
11/30/01	Int	THE CHASE MANHATTAN BANK	Interest posting at 1.0500%	0.28		5,000.28
12/31/01	Int	THE CHASE MANHATTAN BANK	Interest posting at 1.0500%	4.46		5,004.74
01/10/02	{18}	Michael Suffness	Settlement Funds to Resolve Trustee's Adversary Proceeding	7,500.00		12,504.74
01/28/02	{2}	Wheless & Walker	Close of Personal Checking Account	1,300.00		13,804.74
01/31/02	Int	THE CHASE MANHATTAN BANK	Interest posting at 0.9500%	6.05		13,810.79
02/01/02	{18}	Michael Suffness	Cashiers Check to Replace Returned Check #517	7,500.00		21,310.79
02/01/02	{18}	Michael Suffness	Original Check #517 returned.	-7,500.00		13,810.79
02/28/02	Int	THE CHASE MANHATTAN BANK	Interest posting at 0.8500%	8.68		13,819.47
03/29/02	Int	THE CHASE MANHATTAN BANK	Interest posting at 0.8500%	9.98		13,829.45
04/25/02	Int	Interest Posting	Current Interest Rate is 0.8500%	7.41		13,836.86
04/25/02		To Account #312834929166	Close of MMA Open DDA Trustee Preparing Final Report		13,836.86	0.00

**ACCOUNT TOTALS** 13,836.86 13,836.86 \$0.00  
 Less: Bank Transfers 0.00 13,836.86  
**Subtotal** 13,836.86 0.00  
 Less: Payments to Debtors 0.00  
**NET Receipts / Disbursements** \$13,836.86 \$0.00

# Form 2

## Cash Receipts And Disbursements Record

**Case Number:** 99-41823 DRS  
**Case Name:** O'KELLEY, MICHAEL GRADY  
**Trustee:** JOYCE LINDAUER (631680)  
**Bank Name:** THE CHASE MANHATTAN BANK  
**Account:** 312-8349291-66 - Checking Account  
**Blanket Bond:** \$300,000.00 (per case limit)  
**Separate Bond:** N/A

**Taxpayer ID #:** 75-2358259  
**Period Ending:** 04/29/02

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
04/25/02		From Account #312834929165	Close of MMA Open DDA Trustee Preparing Final Report	13,836.86		13,836.86
04/29/02	101	Marc W. Taubenfeld	Order Approving Fees for Counsel		5,875.16	7,961.70
<b>ACCOUNT TOTALS</b>				<b>13,836.86</b>	<b>5,875.16</b>	<b>\$7,961.70</b>
Less: Bank Transfers				13,836.86	0.00	
<b>Subtotal</b>				<b>0.00</b>	<b>5,875.16</b>	
Less: Payments to Debtors					0.00	
<b>NET Receipts / Disbursements</b>				<b>\$0.00</b>	<b>\$5,875.16</b>	

TOTAL - ALL ACCOUNTS	Net Receipts	Net Disbursements	Account Balances
MMA # 312-8349291-65	13,836.86	0.00	0.00
Checking # 312-8349291-66	0.00	5,875.16	7,961.70
	<b>\$13,836.86</b>	<b>\$5,875.16</b>	<b>\$7,961.70</b>

SCHEDULE B

APPLICATION FOR COMPENSATION

COMPUTATION OF COMMISSIONS (cases filed after 10/22/95)

Total Receipts	<u>13,836.86</u>	25% of First \$5,000	\$1,250.00
Less	(5,000.00)		
Balance	<u>8,836.86</u>	10% of next \$45,000	\$ 883.68
Less	(45,000.00)		
Balance	<u>0.00</u>	5% of next \$950,000	\$ 0.00
Less	(950,000.00)		
Balance	<u>0.00</u>	3% of Remaining Balance	<u>\$ 0.00</u>

TOTAL COMMISSIONS \$2,133.68

UNREIMBURSED EXPENSES

Recording Fees	\$ 0.00
Premium on Trustee's Bond	\$ 0.00
Copy Costs (See Exhibit "A")	\$ 146.25
Postage Costs (See Exhibit "A")	\$ 57.90
Paralegal Time (See Exhibit "A")	\$ 300.00
Preservation of Estate	\$ <u>0.00</u>
TOTAL UNREIMBURSED EXPENSES:	<u>\$ 504.15</u>

EXHIBIT "A"

TRUSTEE EXPENSES

<b>Paralegal, Copies, Postage:</b>	<b># Copies</b>	<b>Postage</b>
Motion to Extend Time to Object to Discharge of Debtor	80	\$ 9.60
Application to Employ Counsel	140	\$12.80
Final Report	225	\$12.95
Supplemental Final Report	120	\$12.95
Distribution Checks	20	\$ 9.60

<b>TOTALS:</b>	
Paralegal Time = 6.0 hours @ \$ 50.00/hour	\$ 300.00
Copies = 585 @ \$ .25/page	\$ 146.25
Postage	\$ 57.90

PARALEGAL TIME

Date	Description of Services	Total Hours
08/18/99	Motion to Extend Time to Object to Discharge of Debtor	1.0
09/16/99	Application to Employ Counsel	1.0
04/24/02	Draft Final Report	2.5
04/29/02	Revise Final Report	.5
	Preparation of Supplemental Final Report	1.0
	Total Hours:	6.0

SCHEDULE C

EXPENSES OF ADMINISTRATION

	(1) Amount Claimed	(2) Amount Allowed	(3) Previously Paid	(4) Due
1. 11 U.S.C. Sec. 507(a) (1) <u>Court Costs and Fees</u>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
2. 11 U.S.C. Sec. 503(b) (1) (A) <u>Preservation of Estate</u>				
A. Transportation	0.00	0.00	0.00	0.00
B. Storage	0.00	0.00	0.00	0.00
C. Wages	0.00	0.00	0.00	0.00
D. Estates share FICA	0.00	0.00	0.00	0.00
E. Insurance	0.00	0.00	0.00	0.00
F. Upkeep	0.00	0.00	0.00	0.00
G. Other (itemize)	0.00	0.00	0.00	0.00
3. 11 U.S.C. Sec. 503(b) (2) <u>Post-Petition taxes and related penalties</u>	0.00	0.00	0.00	0.00
4. 11 U.S.C. Sec. 503(b) (2) <u>Compensation and Reimbursement</u>				
A. Compensation of Trustee	\$2,133.68	\$2,133.68	0.00	\$2,133.68
B. Expenses of Trustee	\$ 504.15	\$ 504.15	0.00	\$ 504.15
C. Expenses of Counsel	\$1,577.66	\$1,577.66	1,577.66	\$1,577.66
D. Compensation of Counsel	\$4,297.50	\$4,297.50	4,297.50	\$4,297.50
5. Court Special Charges (Excess Notices)	0.00	0.00	0.00	0.00
6. U.S. Trustee fees	0.00	0.00	0.00	0.00
7. Other (itemize)	0.00	0.00	0.00	0.00
Totals:	<u>\$8,512.99</u>	<u>\$8,512.99</u>	<u>*\$5,875.16</u>	<u>\$2,637.83</u>

**\*Paid on 4/29/02**



SCHEDULE E

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 Section 364(e)(1)					
2. Claims for failure of adequate protection Section 307(a)(b)					
3. "Gap Claims" Section 507(a)(2)					
4. Wages, etc. Section 507(a)(3)					
5. Contributions to Benefit Plans Section 507(a)(4)					
6. Consumer Deposits Section 507(a)(6)					
7. Taxes Section 507(a)(7)	<b>(5)IRS*</b>	\$18,803.00	\$0.00	\$0.00	\$0.00
<b>TOTAL:</b>					\$0.00

**\*Claim #5 Withdrawn**

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
DALLAS DIVISION**

2001 MAR 26 AM 9:29  
U.S. BANKRUPTCY COURT  
BY *mk* DEPUTY

IN THE MATTER OF:

Michael Okelly  
5610 S Briar Ridge Circle  
Mckinney, TX 75070

}  
}  
}

DOCKET NO.: S99-41823

CHAPTER 7

**WITHDRAWAL OF PROOF OF CLAIM FOR INTERNAL REVENUE TAXES**

Comes now Terrie English, Advisor, Special Procedures Staff, Internal Revenue Service, North Texas District, and notifies the court that the Proof of Claim for Internal Revenue Taxes filed 10/14/1999 in the sum of \$18,803.00 is hereby withdrawn.

Respectfully Submitted By:

*Terrie English*

Terrie English  
Advisor, Special Procedures Branch  
Internal Revenue Service  
Mail Code 5027 DAL  
1100 Commerce St.  
Dallas, TX 75242  
Telephone: (214) 767-1253  
Facsimile: (214) 767-1181

Dated at Dallas, Texas  
03/20/01

## Eastern District of Texas Claims Register

**99-41823 Michael Grady O'Kelley**

**Honorable Donald R. Sharp**

**Debtor Name: O'KELLEY, MICHAEL GRADY**

<b>Claim No: 1</b>	Creditor Name: Martin W. Cohen & Company 1600 Pacific Ave Ste 1900 Dallas, TX 75201-8187	Last Date to File Claims: 11/16/1999 Last Date to File (Govt): Filing Status: Allow Docket Status: Late:
Claim Date: 09/10/1999	Amends Claim No: 0 Amended By Claim No:	Duplicates Claim No: 0 Duplicated By Claim No:
<b>Class</b>	<b>Amount Claimed</b>	<b>Amount Allowed</b>
Unsecured	\$675.00	
Secured	\$0.00	
Priority	\$0.00	
Unknown	\$0.00	
Admin	\$0.00	
<b>Total</b>	<b>\$675.00</b>	
<i>Description:</i>		
<i>Remarks:</i> Converted from BANCAP.		

<b>Claim No: 2</b>	Creditor Name: Associates Capital Bank DBA: Office Max Credit Plan P. O. Box 7004 Sioux Falls, SD 57117	Last Date to File Claims: 11/16/1999 Last Date to File (Govt): Filing Status: Allow Docket Status: Late:
Claim Date: 09/13/1999	Amends Claim No: 0 Amended By Claim No:	Duplicates Claim No: 0 Duplicated By Claim No:
<b>Class</b>	<b>Amount Claimed</b>	<b>Amount Allowed</b>
Unsecured	\$1534.28	
Secured	\$0.00	
Priority	\$0.00	
Unknown	\$0.00	
Admin	\$0.00	
<b>Total</b>	<b>\$1534.28</b>	
<i>Description:</i>		
<i>Remarks:</i> Converted from BANCAP.		

<b>Claim No: 3</b>	<i>Creditor Name:</i> Mercedes-Benz Credit Corporation c/o Johanna S. Long P.O. Box 685 Roanoke, TX 76262	<i>Last Date to File Claims:</i> 11/16/1999 <i>Last Date to File (Govt):</i> <i>Filing Status:</i> Allow <i>Docket Status:</i> <i>Late:</i>
<i>Claim Date:</i> 10/07/1999	<i>Amends Claim No:</i> 0 <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> 0 <i>Duplicated By Claim No:</i>
<b>Class</b>	<b>Amount Claimed</b>	<b>Amount Allowed</b>
Unsecured	\$0.00	
Secured	\$0.00	
Priority	\$0.00	
Unknown	\$0.00	
Admin	\$0.00	
<b>Total</b>	<b>\$0.00</b>	
<i>Description:</i> Class and Amount Unknown ; .		
<i>Remarks:</i> Converted from BANCAP.		

<b>Claim No: 4</b>	<i>Creditor Name:</i> Deborah Ann Cooper O'Kelley c/o Marc W. Taubenfeld, Esq. McGuire, Craddock, Strother & Hale, PC 3550 Lincoln Plaza, 500 North Akard Dallas, TX 75201	<i>Last Date to File Claims:</i> 11/16/1999 <i>Last Date to File (Govt):</i> <i>Filing Status:</i> Allow <i>Docket Status:</i> <i>Late:</i>
<i>Claim Date:</i> 10/13/1999	<i>Amends Claim No:</i> 0 <i>Amended By Claim No:</i> 6	<i>Duplicates Claim No:</i> 0 <i>Duplicated By Claim No:</i>
<b>Class</b>	<b>Amount Claimed</b>	<b>Amount Allowed</b>
Unsecured	\$590975.66	
Secured	\$0.00	
Priority	\$0.00	
Unknown	\$0.00	
Admin	\$0.00	
<b>Total</b>	<b>\$590975.66</b>	
<i>Description:</i>		
<i>Remarks:</i> Converted from BANCAP.		

<b>Claim No: 5</b>	<i>Creditor Name:</i> Internal Revenue Service 1100 Commerce Street, Room 9A20 Stop 5027 DAL Dallas, TX 75242	<i>Last Date to File Claims:</i> 11/16/1999 <i>Last Date to File (Govt):</i> <i>Filing Status:</i> Allow <i>Docket Status:</i> <i>Late:</i>
<i>Claim Date:</i> 10/14/1999	<i>Amends Claim No:</i> 0 <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> 0 <i>Duplicated By Claim No:</i>

Class	Amount Claimed	Amount Allowed
Unsecured	\$0.00	
Secured	\$0.00	
Priority	\$0.00	
Unknown	\$18803.00	
Admin	\$0.00	
<b>Total</b>	<b>\$18803.00</b>	
<i>Description:</i> Claim withdrawn 3/26/01 ; .		
<i>Remarks:</i> Converted from BANCAP.		

<b>Claim No: 6</b>	<i>Creditor Name:</i> Deborah Ann Cooper O'Kelley c/o Marc W. Taubefeld, Esq. McGuire, Craddock, Strother & Hale, PC 3550 Lincoln Plaza, 500 North Akard Dallas, TX 75201	<i>Last Date to File Claims:</i> 11/16/1999 <i>Last Date to File (Govt):</i> <i>Filing Status:</i> Allow <i>Docket Status:</i> <i>Late:</i>
<i>Claim Date:</i> 04/19/2000	<i>Amends Claim No:</i> 4 <i>Amended By Claim No:</i>	<i>Duplicates Claim No:</i> 0 <i>Duplicated By Claim No:</i>
Class	Amount Claimed	Amount Allowed
Unsecured	\$616657.39	
Secured	\$0.00	
Priority	\$0.00	
Unknown	\$0.00	
Admin	\$0.00	
<b>Total</b>	<b>\$616657.39</b>	
<i>Description:</i>		
<i>Remarks:</i> Converted from BANCAP.		

### Claims Register Summary

**Case Name:** Michael Grady O'Kelley

**Case Number:** 1999-41823

**Chapter:** 7

**Date Filed:** 06/08/1999

**Total Number Of Claims:** 6

	Total Amount Claimed	Total Amount Allowed
<b>Unsecured</b>	\$618866.67	
<b>Secured</b>	\$0.00	
<b>Priority</b>	\$0.00	
<b>Unknown</b>	\$18803.00	
<b>Administrative</b>	\$0.00	
<b>Total</b>	<b>\$637669.67</b>	

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<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
04/24/2002 12:04:47			
<b>PACER Login:</b>	li0081	<b>Client Code:</b>	
<b>Description:</b>	SearchClaims	<b>Case Number:</b>	99-41823
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.14

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D.N: 2208-867 DT: 104

MULTI-PAGE 1 DOC. TYPE

B10 (9/97)

UNITED STATES BANKRUPTCY COURT

AMENDED PROOF OF CLAIM

EASTERN DISTRICT OF TEXAS, SHERMAN

CHAPTER 7

Name of Debtor: MICHAEL GRADY O'KELLEY

Case Number: 89-41823

This form should not be used to make a claim for an administrative expense arising after the commencement of a "reorganization" of payment of an administrative expense may be filed pursuant to 11 U.S.C. 503.

Name of Creditor: DaimlerChrysler Services north America LLC

Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Check box if you have never received any notices from the bankruptcy court in this case.

Check box if the address differs from the address on the

Mercedes-Benz Credit  
Creditor's Tax ID NO.: 38-3536414

Name and Address where notices should be sent:

Mercedes-Benz Credit

1000 J Roanoke Rd.

Mercedes-Benz, TX 76282-0885

Phone # (800) 500-5656 Ext. 4218

UNIT OR OTHER NUMBER BY WHICH CREDITOR

IF DEBTOR:

Check here if this claim

- replaces a previously filed claim, dated:
amended claim dated: 10/7/99

This Space is For Court Use Only

01300853370139001

BASIS FOR CLAIM:

- Goods sold
Services performed
Money loaned
Personal injury/wrongful death
Taxes
Other (Describe) DEFICIENCY Balance owing on a Motor Vehicle Lease Agreement.

- Retiree benefits as defined in 11 U.S.C. 1114(a)
Wages, salaries, and compensations (Fill out below)
Your social security number:
Unpaid compensations for services performed from to

DATE DEBT WAS INCURRED:

08/07/97

3. IF COURT JUDGMENT, DATE OBTAINED:

1. Total Amount of Claim at Time Case Filed:

\$ 18,431.93

- Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim

- Check this box if your claim is secured by collateral (including a right of setoff)
Brief Description of Collateral:
Real Estate
Motor Vehicle
Other
Value of Collateral:
Amount of arrearage and other charges at time case filed included in secured claim

6. Unsecured Priority Claim

- Check this box if you have an unsecured priority claim
Amount entitled to priority
Specify the priority of the claim:
Wages, salaries, or commissions (up to \$4,000), earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. 507 (a)(3)
Contributions to an employee benefit plan - 11 U.S.C. 507 (a)(4)
Up to \$1,800\* of deposits toward purchase, lease, or rental property or services for personal, family, or household use - 11 U.S.C. 507 (a)(6)
Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. 507 (a)(7)
Taxes or penalties owed to governmental units - 11 U.S.C. 507(a)(8)
Other - Specify applicable paragraph of 11 U.S.C. 507 (a)

\*Amounts are subject to adjustment on 4/1/98 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Sign and print the name and title of the creditor or other person authorized to file claim.

04/24/2002

Daniel Ibrahim, Paralegal

FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine up to \$50,000 or imprisonment up to 5 years, or both. 18 U.S.C. 152 and 3571

JOYCE W. LINDAUER  
CHAPTER 7 TRUSTEE  
12900 Preston Road, Suite 1050  
Dallas, Texas 75230

FILED  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TX.

2002 FEB -4 PM 2:07

CLERK, U.S. BANKRUPTCY COURT

BY MO DEPUTY

Teletcopy:  
(972) 503-4034

Telephone:  
(972) 503-4033

February 1, 2002

Clerk, U.S. Bankruptcy Court  
660 N. Central Expressway, Suite 300B  
Plano, TX 75074

Re: Michael Grady O'Kelley, *Debtor*  
Case No. 99-41823

Dear Clerk:

In preparation of the Chapter 7 Trustee's Final Report in the above-referenced proceeding, please indicate below any Court fees which remain to be paid.

Very truly yours,

Nancy M. Howe  
Legal Assistant to Joyce W. Lindauer

Encs.

Fees Due: \_\_\_\_\_ Yes                      Amount \$ 0  
                  X \_\_\_\_\_ No

53

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

FILED  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TX

99 AUG 20 PM 12:58

CLERK, U.S. BANKRUPTCY  
COURT

BY [Signature] DEPUTY

IN RE:

O'KELLEY, MICHAEL GRADY,

DEBTOR.

§  
§  
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§  
§

CASE NO. 99-41823

**EOD AUG 20 '99**

**ORDER EXTENDING TIME WITHIN WHICH TO OBJECT  
TO DISCHARGE OF DEBTORS AND DISCHARGEABILITY  
OF ANY DEBT OF DEBTORS**

CAME ON FOR CONSIDERATION the Trustee's Motion to Extend Time Within Which to Object to Discharge of Debtors and Dischargeability of any Debt of Debtors filed herein by Joyce W. Lindauer, Chapter 7 Trustee in the above-captioned bankruptcy proceeding. The Court, having considered the Motion, finds that good cause exists for granting same. It is, therefore

ORDERED, ADJUDGED AND DECREED that the time within which the Trustee or any creditor may object to the discharge of the Debtors and the dischargeability of any debt of Debtors, be and hereby is, extended until and including October 15, 1999.

Signed this 19th day of August, 1999.

[Signature]  
UNITED STATES BANKRUPTCY JUDGE

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

FILED  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TX  
**ORIGINAL**  
99 OCT 13 AM 10:27  
CLERK, U.S. BANKRUPTCY  
COURT  
*nm* DEPUTY

IN RE: §  
§  
MIHAEL GRADY O'KELLEY § CASE NO. 99-41823  
§  
§  
Debtors. § CHAPTER 7 EOD OCT 14 '99  
§  
§

ORDER TO EMPLOY COUNSEL

The Chapter 7 Trustee has applied for an Order to employ the firm of McGuire, Craddock, Strother & Hale, P.C., as special counsel. The Application and attached Affidavit represent that counsel does not hold or represent an interest adverse to the estate and that counsel are disinterested persons, as required by 11 U.S.C. Section 327(a). The Application establishes that legal services are necessary for the administration of the estate.

IT IS THEREFORE ORDERED THAT:

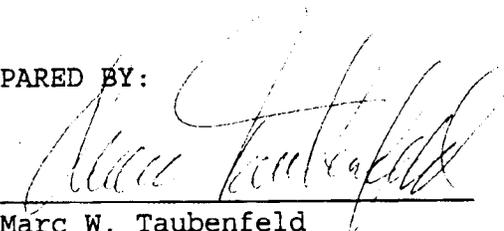
1. The Chapter 7 Trustee is authorized to employ McGuire, Craddock, Strother & Hale, P.C. as his counsel for the purposes set forth in the Application nunc pro tunc to September 1, 1999.

SIGNED this 12th day of <sup>October</sup>~~September~~, 1999.

*Donald R. Shroy*  
HONORABLE JUDGE PRESIDING

PREPARED BY:

By:

  
Marc W. Taubenfeld  
State Bar No. 19679800

MCGUIRE, CRADDOCK, STROTHER & HALE, P.C.  
500 N. Akard  
Suite 3550  
Dallas, Texas 75201  
214/954-6800 Telephone  
214/954-6868 Facsimile

PROPOSED ATTORNEYS FOR JOYCE W. LINDAUER,  
CHAPTER 7 TRUSTEE

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

FILED  
99 OCT 15 PM 4:26

CLEARING BANKRUPTCY  
COURT  
BY mh DEPUTY

IN RE:

O'KELLEY, MICHAEL GRADY,

DEBTOR.

§  
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§

CASE NO. 99-41823

EOD OCT 18 1999

ORDER EXTENDING TIME WITHIN WHICH TO OBJECT  
TO DISCHARGE OF DEBTORS AND DISCHARGEABILITY  
OF ANY DEBT OF DEBTORS

CAME ON FOR CONSIDERATION the Trustee's Second Motion to Extend Time Within Which to Object to Discharge of Debtors and Dischargeability of any Debt of Debtors filed herein by Joyce W. Lindauer, Chapter 7 Trustee in the above-captioned bankruptcy proceeding. The Court, having considered the Motion, finds that good cause exists for granting same. It is, therefore

ORDERED, ADJUDGED AND DECREED that the time within which the Trustee or any creditor may object to the discharge of the Debtors and the dischargeability of any debt of Debtors, be and hereby is, extended until and including December 31, 1999.

Signed this 15<sup>th</sup> day of October, 1999.

Donald R. Sharp  
UNITED STATES BANKRUPTCY JUDGE

24

ORIGINAL

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

FILED  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TX

01 OCT 26 AM 8:32

CLERK, U.S. BANKRUPTCY  
COURT

BY Mh DEPUTY

OCT 26 2001

IN RE:

MICHAEL GRADY O'KELLEY,

DEBTOR.

§  
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§

CASE NO. 99-41823-7-S

CHAPTER 7

ORDER AUTHORIZING SETTLEMENT WITH B.P. & H., INC.

This matter comes on for consideration upon the Motion to Approve Settlement with B.P. & H., Inc. pursuant to Federal Rule of Bankruptcy Procedure 9019 (the "Motion") filed by Joyce Lindauer, Chapter 7 Trustee ("Trustee"), requesting entry of an order pursuant to FED.R.BANKR.P. 9019(a) authorizing the settlement between the parties as set forth in the Motion. Based upon the representations of counsel, the Court finds that the Motion was duly served to all parties in interest, including all parties required under FED.R.BANKR.P. 2002. The Court further finds that the time within which to object to the Motion has passed and no objections to the Motion have been filed or served on counsel. Therefore, for good cause shown, the Court finds: The Trustee has made demand upon B.P. & H., Inc. for certain fraudulent transfers to be returned to Debtor's estate through counsel for the Trustee. B.P. & H., Inc. has denied that such Transfer is avoidable; however, B.P. & H., Inc. has agreed to settle for a lump sum payment of \$5,000.00 in exchange for the Trustee's release of her 11 U.S.C. § 548 and Texas Business and Commerce Code Section 24.001, *et seq.*, fraudulent transfer claims (the "Fraudulent Transfer Claims") the Trustee may have against B.P. & H., Inc. in the Debtor's bankruptcy. It is therefore

Order Approving Settlement with BPH&I

497

ORDERED that the Trustee may settle her Fraudulent Transfer Claim against B.P. & H., Inc. and may execute any and all documents required to carry out the settlement, including, but not limited to any compromise or settlement agreement and such agreement shall be in full force and effect. It is further

ORDERED that the parties execute any additional documents necessary to carry out the terms and conditions of the settlement set forth in the Motion. It is further

ORDERED that B.P. & H., Inc. be allowed ten (10) days from entry of this Order to tender the \$5,000.00 settlement to the Trustee, as stated in the Motion. It is further

ORDERED that within ten (10) days after receipt of the \$5,000.00 settlement, the Trustee shall dismiss with prejudice Adversary No. A-01-4062 against B.P. & H., Inc. in connection with the Debtors' case.

*October 25, 2001*

  
DONALD R. SHARP  
UNITED STATES BANKRUPTCY JUDGE

PREPARED BY:

By: \_\_\_\_\_

**Marc. W. Taubenfeld**  
State Bar No. 19679800  
**David L. Woods**  
State Bar No. 24004167

3550 Lincoln Plaza  
500 N. Akard  
Dallas, Texas 75201  
Telephone: (214) 954-6800  
Facsimile: (214) 954-6868  
COUNSEL FOR THE TRUSTEE

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ORIGINAL

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

EOD NOV 19 '01  
FILED  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TX  
2001 NOV 16 AM 10:21  
CLERK, U.S. BANKRUPTCY  
COURT  
BY *mk* DEPUTY

IN RE:

MICHAEL GRADY O'KELLEY,  
  
DEBTOR.

§  
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CASE NO. 99-41823-7-S  
  
CHAPTER 7

ORDER AUTHORIZING SETTLEMENT WITH DIANNE MOBLEY,  
WILLIAM H. VITZ AND AMERICAN NATIONAL BENEFITS, INC.

This matter comes on for consideration upon the Motion to Approve Settlement with Dianne Mobley ("Mobley"), William H. Vitz ("Vitz"), and American National Benefits, Inc. ("ANBF")(collectively "Defendants") pursuant to Federal Rule of Bankruptcy Procedure 9019 (the "Motion") filed by Joyce Lindauer, Chapter 7 Trustee ("Trustee"), requesting entry of an order pursuant to FED.R.BANKR.P. 9019(a) authorizing the settlement between the parties as set forth in the Motion. Based upon the representations of counsel, the Court finds that the Motion was duly served to all parties in interest, including all parties required under FED.R.BANKR.P. 2002. The Court further finds that the time within which to object to the Motion has passed and no objections to the Motion have been filed or served on counsel. Therefore, for good cause shown, the Court finds: The Trustee has made demand upon Defendants for certain fraudulent transfers to be returned to Debtor's estate through counsel for the Trustee. Defendants have denied that such Transfers are avoidable; however, Defendants have agreed to settle for a lump sum payment of \$7,500.00 in exchange for the Trustee's release of her 11 U.S.C. § 548 and Texas Business and Commerce Code Section 24.001, *et seq.*, fraudulent transfer claims (the "Fraudulent Transfer Claims") the Trustee may have against Defendants in the Debtor's bankruptcy. It is therefore

Order Approving Settlement

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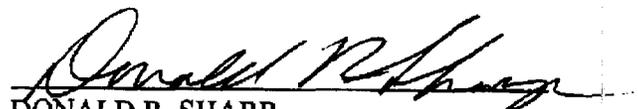
ORDERED that the Trustee may settle her Fraudulent Transfer Claim against Defendants and may execute any and all documents required to carry out the settlement, including, but not limited to any compromise or settlement agreement and such agreement shall be in full force and effect. It is further

ORDERED that the parties execute any additional documents necessary to carry out the terms and conditions of the settlement set forth in the Motion. It is further

ORDERED that Defendants be allowed ten (10) days from entry of this Order to tender the \$7,500.00 settlement to the Trustee, as stated in the Motion. It is further

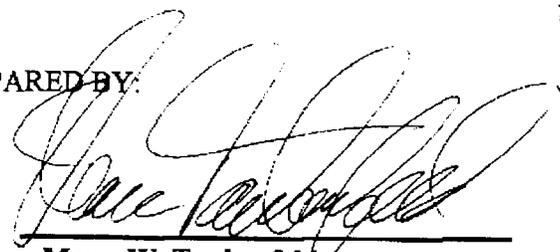
ORDERED that within ten (10) days after receipt of the \$7,500.00 settlement, the Trustee shall dismiss with prejudice Adversary No. A-01-4063 against Defendants in connection with the Debtor's case.

*November 15, 2001*

  
DONALD R. SHARP  
UNITED STATES BANKRUPTCY JUDGE

PREPARED BY:

By:

  
**Marc W. Taubenfeld**  
State Bar No. 19679800  
**David L. Woods**  
State Bar No. 24004167

3550 Lincoln Plaza  
500 N. Akard  
Dallas, Texas 75201  
Telephone: (214) 954-6800  
Facsimile: (214) 954-6868  
COUNSEL FOR THE TRUSTEE

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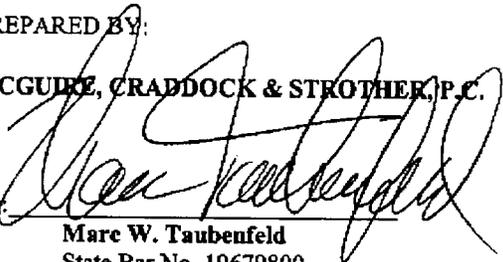
DATED this 29<sup>th</sup> <sup>March</sup> day of February, 2002

  
HONORABLE DONALD R. SHARP

PREPARED BY:

MCGUIRE, CRADDOCK & STROTHER, P.C.

By:

  
Marc W. Taubenfeld  
State Bar No. 19679800

500 N. Akard, Suite 3550  
Dallas, Texas 75201  
(214) 954 - 6800 Telephone  
(214) 954 - 6868 Telecopier

**COUNSEL FOR JOYCE W. LANDAUER  
CHAPTER 7 TRUSTEE**

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

IN RE: )  
 )  
MICHAEL GRADY O'KELLEY ) CASE NO. 99-41823  
 ) (CHAPTER 7)  
DEBTOR. )

**TRUSTEE'S REPORT OF PROPOSED FINAL DISTRIBUTIONS**

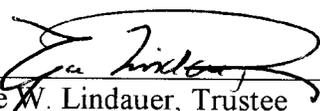
The undersigned trustee of the estate hereby submits to the Court and to the United States Trustee this Report of Proposed Final Distribution.

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.

i.	Balance on Hand	\$13,836.86
ii.	Administrative Expenses to be paid	\$ 8,512.99
iii.	Priority Claims to be paid	\$ 0.00
iv.	Secured Claims to be paid	\$ 0.00
v.	Unsecured Claims to be paid	\$ 5,232.87
vi.	Miscellaneous distributions to be paid	\$ 0.00
vii.	Total Distributions to be made	<u>\$ 13,836.86</u>
viii.	Zero Balance	<u>\$ 0.00</u>

Dated: 4/29/02

  
\_\_\_\_\_  
Joyce W. Lindauer, Trustee  
12900 Preston Road, Suite 1050  
Dallas, Texas 75230  
(972) 503-4033

Claims Proposed Distribution  
Trustee: Joyce W. Lindauer

Case: MICHAEL GRADY O'KELLEY

Case Balance: \$7,961.70

Total Proposed Payment: \$7,961.70

Remaining Balance: \$7,961.70

Claim No.	Claimant Name	Type	Amount Filed	Amount Allowed	Paid to Date	Claim Balance	Proposed Payment	Remaining Funds
	Joyce W. Lindauer Exp - Trustee (Ch 7)	Admin Ch 7	\$504.15	\$504.15	\$0.00	\$504.15	\$504.15	\$7,457.55
	Clerk, U.S. Bankruptcy Court	Admin Ch 7	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,457.55
	Joyce W. Lindauer Fees - Trustee (Ch 7)	Admin Ch 7	\$2,133.68	\$2,133.68	\$0.00	\$2,133.68	\$2,133.68	\$5,323.87
	Fees - Trustee's Atty (Ch 7)	Admin Ch 7	\$5,875.16	\$5,875.16	\$5,875.16	\$0.00	\$0.00	\$5,323.87
1	Martin W. Cohen & Company	Un- secured	\$675.00	\$675.00	\$0.00	\$675.00	\$5.64	\$5,318.23
2	Associates Capital Bank	Un- secured	\$1,534.28	\$1,534.28	\$0.00	\$1,534.28	\$12.83	\$5,305.40
3	Mercedes-Benz Credit Corporation	Un- secured	\$18,431.93	\$18,431.93	\$0.00	\$18,431.93	\$153.97	\$5,151.43
4	Deborah Ann Cooper O'Kelley	Un- secured	\$590,975.66	\$0.00	\$0.00	\$0.00	\$0.00	\$5,151.43
5	IRS <b>*Withdrawn</b>	Un- secured	\$18,803.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,151.43
6	Deborah Ann Cooper O'Kelley	Un- secured	\$616,657.39	\$616,657.39	\$0.00	\$616,657.39	\$5,151.43	\$0.00
Total for Case No. 99-41823			\$1,247,077.20	\$637,298.60	\$0.00	\$645,811.59	\$7,961.70	\$0.00

CASE SUMMARY

	Amount Filed	Amount Allowed	Paid to Date	Proposed Balance
Total Administrative Claims:	\$8,512.99	\$8,512.99	\$5,875.16	\$2,637.83
Total Priority Claims:	\$0.00	\$0.00	\$ 0.00	\$0.00
Total Secured Claims:	\$0.00	\$0.00	\$ 0.00	\$0.00
Total Unsecured Claims:	\$1,247,077.20	\$63,7298.60	\$ 0.00	\$637,298.60

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

IN RE: MICHAEL G. O'KELLEY / BANKRUPTCY CASE: 99-41823  
/  
/ CHAPTER 7

**NOTICE OF FILING OF FINAL REPORT OF TRUSTEE.  
APPLICATION 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, 200 E. Ferguson, Tyler, Texas 75702, or at the trustee's office whose name and address is as follows:

JOYCE LINDAUER 12900 PRESTON ROAD SUITE 900 DALLAS, TX 75230

The following Applications for Compensation have been filed:

<u>Applicants</u>	<u>Fees Requested</u>	<u>Expenses Requested</u>
<u>JOYCE LINDAUER</u> Trustee	<u>2133.68</u>	<u>504.15</u>
<u>Attorney for Trustee</u>	<u>                    </u>	<u>                    </u>
<u>U. S. Bankruptcy Court</u>	<u>0.00</u>	<u>                    </u>

The trustee's account shows:

<b>Total Receipts</b>	<b>Total Disbursements</b>	<b>Balance</b>
<u>\$ 13836.86</u>	<u>\$ 5875.16</u>	<u>\$ 7961.70</u>

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 \$ 0.00 ; general unsecured claims have been allowed in the amount of \$ 637298.60 .  
The debtor has/has not 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 hearing. If objections are filed, a hearing will be held on \_\_\_\_\_

at \_\_\_\_\_ .

Date: \_\_\_\_\_

**JAMES D. TOKOPH**, Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk

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

IN RE: )  
 )  
MICHAEL GRADY O'KELLEY ) CASE NO. 99-41823  
 ) (CHAPTER 7)  
DEBTOR. )

ORDER APPROVING TRUSTEE'S FINAL REPORT,  
PROPOSED DISTRIBUTION AND ALLOWING COMPENSATION

The Trustee having filed an Application for Compensation and Reimbursement of Expenses, and the Trustee having filed a Final Report and Report of Proposed Distribution, after hearing and due consideration, it is hereby:

ORDERED that the Trustee's Final Report and Proposed Distribution are hereby approved. It is further

ORDERED that the Trustee, Joyce W. Lindauer, is to pay the claims allowed and approved in the Trustee's Final Report and Report of Proposed Distribution.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE