

U. S. BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ABINGDON CALENDAR - APRIL 16, 2003

(The Honorable William F. Stone, Jr. Presiding)

(Start: _____ Recess: _____ ♦Resume: _____ Stop: _____ ♦Trials: _____ Proceedings _____)

Attys: Debtors: Case Nos. Trustees:

9:30 A. M. - PRE-TRIAL CONFERENCES

Slavin JAMES DONALDSON 7-02-01861 Wick/SO
A/P 7-02-00107: Dt. Dischargeability; final pre-trial (*contd from 3/5 & 4/2*)
Citibank, So.Dakota NA (Fitzpatrick/Esposito) v. debtor

Copeland JERRY & CATHY STURGILL-ch11 7-03-00093 JM
A/P 7-03-0024: Injunction or other equitable relief
Debtors v. Appalachian Distributors(): and Day Spring
Enterprises, Inc.
–**SUMMONS reissued for ptc 5/7 @ 9:30**

Carmody DONALD & AMY HILL-ch7 7-03-00380 Wick/SO
A/P 7-03-00025: recover money or property
Debtors v. U.S.D.A. Rural Housing Service (Eckert)
–**Order of 4/8 dismissed AP without prejudice, cancels hearing**

Carmody HASSEL & GAYLENE JUSTUS-ch13 7-01-04945 Widener/LM
A/P 7-03-00026: Recover money or property
Hassel Justus (Carmody) v. SLM Financial Corporation () and
David Hutton ()

Abingdon 4/16/03 -

9:30 A. M. - PRE-TRIAL CONFERENCES

Snodgrass SHIRLEY DRIVER - Ch. 7 7-02-03876 Callahan
A/P 7-03-00031: Recover money or property S
William E. Callahan, Jr., Trustee v. GMAC ()
-Consent Order entered 4/8, cancels hearing

Jessee LEROY M. HULL COMPANY, INC. - Ch. 7 7-01-03786 Wick/
A/P 7-02-00188: Recovery against Trustee and Trustee's Bond
Claas of America, LLC (pka Claas of America, Inc.) [Maxwell], The
USA Ex Rel Claas of America, LLC (Maxwell) v. Robert E. Wick, Robert E. Wick, Jr.,
Trustee, (), Liberty Mutual Insurance Co. (), Indemnity
Insurance Co. of North America ()
-Hearing for Oral Argument on Motion to Dismiss

-Notice of Hearing on Plaintiff Motion to Amend, Motion to Suspend AP; Objection
to Motion to Dismiss **filed 4/11, d/e # 10 for 4/16 hearing**

See also hearing in case file @ 10:00 a.m.

Carroll RONNIE BLANKENSHIP-CH7 7-02-03605
A/P - 7-02-00175: *Motion to Compel Discovery**
Snap-On Credit (Fleischhauer*/Huebschman) v. debtor
**Trial set 5/21 @ 2:30 @ Abg*

**Motion to Compel Discovery and Determine Sufficiency of Answers to Requests
for Admissions filed by Plaintiff [d/e # 14]*

10:00 A.M. - MISCELLANEOUS

Cody DONALD SEWELL-ch7 7-02-04351 Callahan/GR
Motion of Trustee for authority to sell property of estate free & clear of all
liens, claims, rights & interests and to Pay Trustee's Professional - filed 3/18; d/e # 26
OBJECTION filed by New Peoples Bank, Inc. (Hutton) [d/e # 31]
RESPONSE filed by Debtors [d/e # 32]

Abingdon 4/16/03 -

10:00 A. M. - MISCELLANEOUS

Money JAMES & CONNIE BROWN - Ch. 7 7-02-02861 Wick/LM
A/P 7-02-00149: Object to or revoke a discharge *contd for R9019 notice*
Mount RogErs Planning District Comm. (Campbell) v. Debtors

-n/a GRAYSON MOUNTAIN WATER CO. - Ch. 7 7-01-03363 Wick
Motion of Trustee to Approve Compromise and Settlement of Adversary
Proceedings 02-00075; 02-00074 and 02-00068 filed 3/20; d/e # 157 (in case file)

A/P No. 7-02-00075:Determine liens; *cont fr 3/19 for R9019 ntc on remaining issues*
Robert E. Wick, Jr., Trustee (Scott) v. Grayson County, Va. (G.Parks),
Hills Farm's, Inc., Market (), Dunn Rite Trucking, LLC (),
Turner Leasing Co., Inc. (Copeland), Roger Catarino & Linda
Catarino (Lamie), Charles Campbell & Lisa Campbell (Lamie),
Donnkenny Apparel, Inc. (), Western Staff Serv of Wytheville (Shortridge
Gene Gieselmann (Esposito), John Wood (Tavenner), Thomas & Colleen
Pagnozzi (Esposito), James Brennan, D/T Trustee (Esposito) and Michael
Zupan, D/T Trustee (Esposito), Burch-Hodges-Stone, Inc. (Abreu),
Machine & Welding Supply Co. (), Carolina Bank (Hutton), Southwest
Bank of St. Louis (Hutton), Advanta Leasing Services (), Waterview
Resolution, f/k/a General Electric Capital (Turner), JDR Capital Corp. (),
Republic Leasing () United Capital Leasing () & Quibell Partners, (Oddo)
-Motion & Notice for entry of Default Judgment filed 3/20; d/e # 42 against :

- a) Dunn Rite Trucking LLC;
- b) DonnKenny Apparel, Inc;
- c) Machine & Welding Supply;
- d) Hills Farm In c Market;
- e) Advanta Leasing Services;
- f) JDR Capital Corp;
- g) Republic Leasing Co.
- h) United Capital Leasing

A/P 7-02-00068: Recover money or property; **Contd fr 3/5 to file compromise .**
Robt E Wick Jr Trustee (Scott/Callahan) v. Gene Gieselmann(Esposito)

A/P 7-02-00074: Recover money or property; **Contd fr 3/5 to file compromise mot.**
Robt E Wick Jr Trustee (Scott/Callahan) v. Thomas & Colleen Pagnozzi(Esposito)
Michael L. Zupan, Deed of Trust Trustee (Esposito) & James C. Brennan, Deed of
Trust Trustee (Esposito)

Abingdon 4/16/03 -

10:00 A. M. - MISCELLANEOUS

Jessee LEROY M. HULL COMPANY, INC. - Ch. 7 7-01-03786 Wick/JJ
Trustee's Motion to Sell Property Free and Clear of Liens [d/e 209, 210, 211]

See also 9:30 a.m. hearing in A/P 7-02-00188

Rhue JAMES BALL -ch7 7-99-02518 Callahan/AF
Obj of Trustee to Claim #2 of IRS - filed 2/28; d/e # 80
-Motion of IRS to Dismiss Obj to Claim filed with Memorandum in Support
thereof on 4/3, d/e # 82 (Keen)

Farthing JERRY & JANE COX - Ch. 7 7-03-00165 Callahan/SL
Motion # 1: Avoid lien--filed 3/6 [d/e # 11]
Debtors v. Beneficial Finance Co. of Va. ()

Carmody JAMES & LOIS ESKEW-ch7 7-03-00425 Wick/SL
Motion #1: Avoid lien - filed 3/12, d/e # 12, 13
Debtors v. Beneficial Va, Inc
-ORDER of 3/28 avoided lien, cancels hearing

-see also 1:00 p.m. Contempt Motion - pleading filed shows case as Ch13?

Slavin SUSAN AKERS-ch7 7-03-00461 Wick/GR
Motion #1: Relief - filed 3/17; d/e # 12, 13
Oakwood Acceptance Corp serv.agt for JPMorgan Chase Bank (Maxwell) v. debtor
& trustee
-ORDER of 4/3, d/e # 16, granted relief, cancels hearing

Abingdon 4/16/03 -

10:00 A. M. - MISCELLANEOUS

Carmody RONNIE & BETTY COMPTON 7-02-05203 Callahan/VS
Motion #1: Avoid lien - filed 3/17; d/e # 13, 14
Debtors v. Washington Mutual Finance c/o Kim Turnes, CEO

Copeland RONALD & CAROL MINK - Ch. 7 7-02-04323 Callahan/VS
Motion for Order of Contempt Against Kemba Roanoke FCU [d/e # 21]

Wick ANTHONY & KERESSA CLARK-ch7 7-03-00850 Callahan/SL
Motion #1: Relief - filed 3/20; d/e # 12, 13
Bank One/Valley National Financial Services (Neyhart) v. debtors & trustee
Respondent's certification filed 3/31, d/e # 16

Copeland HAWKEYE TRUCKING-ch7 7-97-00139 Wick/VS
Motion of Trustee (Wick) to Approve Compromise in A/P 00-00037 with Shaw
Honaker filed 3/24, d/e # 38 (case file)

Slavin MICHELE DEMETRIADES-ch7 7-02-04112 Wick/SJ
Motion of Debtor for authorization for further disbursements filed 3/24, d/e # 26

Motion of counsel for debtor for compensation of \$1600 filed 3/24, d/e # 27

Abingdon 4/16/03 -

10:00 A. M. - MISCELLANEOUS

Copeland WALTER MCKINNON-ch7 7-98-04022 Smith/
Motion for compensation of counsel for trustee (Shortridge) in amount of
\$12,283.51 and \$739.92 expenses (for filing of AP 02-19, now closed)
Filed 3/24, d/e # 83

Hutchinson CHARLES & RITA HARRIS-ch7 7-03-00264 Wick/JJ
Motion #1: relief - filed 3/20; d/e # 14, 15
Bank One Valley National Financial Services (Neyhart) v. debtors & trustee
Movant Certification filed 4/2, d/e # 16
-Default Order entered 4/7 [d/e # 17]

Carmody WILLIAM & PATRICIA GRAHAM 7-02-04335 Callahan/SL
Motion #2: Relief - filed 3/28; d/e # 39, 40
Tri Cities Finance (Copeland) v. debtors & trustee

Jessee TIMOTHY & DEBRA GAMINDE-ch7 7-03-00195 Wick/SL

Motion #2: Relief - filed 3/25, d/e # 17, 18
Ford Motor Credit Co (Hale) v. debtors & Trustee
movant's certification filed 3/31, d/e # 19
Response of Debtors filed 4/4, d/e # 20

Copeland SARAH ANDERSON-ch7 7-01-05131 Wick/GR
Motion for Contempt: filed 3/10; d/e # 19
Debtor v. Platinum Financial Services fka Direct Merchants Bank (Huebschman*);
Collection Co of America (); Alltel Communications();
and Federal Diversified Services div of Pacesetter Corp dba in Va. As Pacesetter
Products Inc (Fleischhauer**)
*Response of Platinum Financial Services filed 3/24, d/e # 20 (Huebschman)
**Response of Federal Diversified Services filed 4/3, d/e # 22 (Fleischhauer)

Abingdon 4/16/03 -

10:00 A. M. - MISCELLANEOUS

Wick ANTHONY & KERESSA CLARK-ch7 7-03-00850 Callahan/SL
Motion #1: Relief - filed 3/20; d/e # 12, 15
Bank One/Valley National Financial (Neyhart) v. debtors & trustee
-Duplicate of Motion appearing at Page 5

Snodgrass SAMUEL HOLBROOK JR 7-03-00773 Callahan/VS
Motion #1: relief - filed 3/24, d/e # 10, 11
Nissan Motor Acceptance (Van Beek) v. debtor & trustee

Snodgrass MARK & BARBARA WILLIAMS-ch13 7-03-00855 Widener/SL
Motion #1: Relief - filed 3/17; d/e # 12, 13, 14
MidFirst Bank (Zimm) v. debtors & trustee
respondent's certif. Filed 4/3, d/e # 20
Response of Debtors filed 4/3, d/e # 21
Note: Case converted to Ch 13 on 4/4, post-filing of Mot. #1

Copeland G AND A COAL COMPANY - Ch.7 7-99-02321 Callahan/GR
Supplemental Application for Allowance of Administrative Expense of UMWA
-*reserve 1 hour* , filed 3/12, d/e # 274 (Kieffer)

-----note: Parties (Kieffer/Stark) will jointly seek continuance to 5/21

11:00 A.M. - MISCELLANEOUS

Copeland E-CON PARTNERS, INC. - Ch. 11 7-02-04727 DIP/NS
Disclosure Statement
-*Note: Amended Discl. Stmt filed 3/4; rescheduled for 5/7 @ 11 by ord of 3/14*

Abingdon 4/16/03 -

11:00 A. M. - MISCELLANEOUS

Lamie WYTHE PRECISION MACHINE CO-chll 7-02-04520 DIP/SJ
Motion #1: Relief and Prohibit Use of Cash Collateral; filed 3/17/03, d/e # 38, 45
ORIX Financial Services (Stackhouse) v. debtor
Respondent's certification filed 3/27 d/e # 48
Motion to Compel Assumption or Rejection of Executory Lease and for payment of
Administrative Rent filed by ORIX Financial Services; 3/17/03 ., D/e # 40 , 46

Cody WILLIAM & TERESA JOHNSON 7-01-02547 Callahan/NS
Motion of Trustee for Order Approving Settlements with First Bank & Trust
in amt of \$2500 filed 3/25, d/e # 75 (re: Wm. R & F. Tyler Johnson accts)

Lamie ROBERT & LINDA BROWER-ch7 7-01-05016 Callahan/JJ
Motion of Trustee for Order Approving Settlement (\$4,500.00 with First Bank & Trust)
Filed 3/24, d/e # 35

Gifford JEFFREY & TRACI HOLT-ch7 7-00-02389 Callahan/AF

Motion of Trustee for Order Approving Settlement with Debtors and for
Order Approving Sale of Property of the Estate, filed 3/24, d/e # 40

Fleenor DONALD BARRETT-ch7 7-01-01093 Callahan/VS
Motion of Trustee for compensation of trustee in amt of \$6,745.53 & \$529.71 expense

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Lamie FRED HICKS JR-ch13 7-02-04483 Widener/VS
Mod Plan filed 1/16; d/e # 17, 18 *contd fr 3/5*
Objection: Highlands Union Bank (Hutton) filed 1/27; d/e #20 *contd fr 3/5*
Motion of Trustee to CON VERT filed 12/19; d/e # 14 *contd from 2/4 & 3/5*

Abingdon 4/16/03 -

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

J Jessee RICHARD & MARIE THOMAS 7-02-04879 Widener/NS
Mod Plan filed 2/28, d/e # 15, 16
Objection: Highlands Union Bank (Hutton) filed 1/22, d/e # 14 *contd from 3/5*

Timoney DANNY & DEBRA BELCHER 7-02-05043` Widener/VS
Plan filed 12/11, d/e # 6 *Contd fr 3/5*
Objection: IRS (Eckert) filed 2/21, d/e # 17, *contd fr 3/5*

Snodgrass DANNY POLLARD - Ch. 13 7-02-05083 Widener/AF
Mod. Plan filed 2/10 [d/e # 20, 22]
Trustee's Show Cause : Dismiss/Convert, d/e # 24 *contd from 3/5*

Hutchinson RICHARD & TAMMY ALDEN-ch13 7-02-03643 Widener/VS
Mod Plan filed 12/31; d/e # 20 , 21; (#25 further notice)

Motion for Valuation: Gwynn's Hardware: Couch/Mattress; filed 3/7; d/e # 29

Motion for valuation: Friedman's RMA on Watch & Ring; filed 3/7 d/e # 30

Motion to Waive Appearance of male debtor at 341 meeting [d/e # 26]
–**ORDER of 3/10 granted motion to waive appearance, d/e # 28 (order missing?)**

SEE ALSO 2:00 P.M. CH 12 & CH 13 CONFIRMATION HEARINGS

Abingdon 4/16/03 -

1:00 P. M. - MISCELLANEOUS

Farthing DEBBIE SEMONES-ch13 7-02-04248 Widener/AF
Motion #1: Relief - filed 2/7; d/e # 36, 38 (Stones Chapel Rd., Elk Creek Va)
American General Finance (Neyhart) v. debtor & trustee
–*Ord of 2/25 granted extension to 3/3 to file response to Mot.#1; Mot contd fr 3/5*
Answer filed 3/6

Motion #2: Relief - filed 2/7; d/e #37, 39 (Falls Rd Elk Creek Va)
American General Finance (Neyhart) v. debtor & trustee; *mot contd from 3/5*

–*note: mod plan filed 3/24, set for conf hrg on 5/21 @ 1:00*

Carmody JAMES & LOIS ESKEW-ch7 7-03-00425 Wick/SL
Motion to showcase: Contempt: Imposition of Sanctions: v. SunTrust Bank
filed 3/17; d/e # 16

See also 10:00 a.m. Motion to Avoid lien

1:30 P. M. - MISCELLANEOUS

Hutchinson ROY & PEGGY OWENS-ch13 7-03-00824 Widener/SJ
Motion #1: relief - filed 3/24; d/e # 13, 14
Americredit Financial Services (Epps) v. debtors & trustee
–**ORDER of 4/8 granted relief, cancels hearing**

Hutchinson THOMAS & MELISSA HENSLEY-ch13 7-02-01929 Widener/SJ
Motion #2: Relief - filed 3/27; d/e # 31, 32, 33
Oakwood Acceptance Corp for Wells Fargo Bank MN as Trustee(Maxwell) v.
Debtors & trustee

McDaniel BARNEY & CHARLOTTE RASH - 7-03-00182 Widener/SJ
Motion #1: Relief - filed 3/25; d/e # 20, 21
Citicorp Trust Bank FSB (Sasser) v. debtors & trustee
ANSWER filed by Debtors [d/e # 26]

Motion #2: Relief - filed 3/27; d/e # 22, 23, 24
Transouth Financial Corp (Zimm) v. debtors & trustee

Abingdon 4/16/03 -

1:30 P. M. - MISCELLANEOUS

Lamie JASON & FARAH WHITE-ch13 7-03-00932 Widener/SJ
Motion #1: relief - filed 3/26; d/e # 14, 15
Highlands Union Bank (Hutton) v. debtors & trustee
Answer of Debtors filed 4/2, d/e # 17
–**see hearing at 2:00 p.m.***

2:00 P.M. - MISCELLANEOUS

Lamie *JASON & FARAH WHITE - Ch. 13 7-03-00932 Widener/SJ
Trustee's Motion to Dismiss w/prejudice [d/e # 16]

–**see hearing at 1:30 p.m.**

Gifford CHARLES & BETTY HALL 7-99-03036 Widener/JJ
Motion of Trustee to Convert or Dismiss case filed 3/17; d/e # 72

Farthing PAUL & OPAL HARMON 7-01-03610 Widener/JJ
Motion of Trustee to Convert or Dismiss case filed 3/17; d/e # 19

Gifford JOSEPH & LAURA TABOR 7-00-01401 Widener/GR
Motion of Trustee to convert or dismiss case filed 3/17; d/e # 29

Abingdon 4/16/03 -

2:00 P. M. - MISCELLANEOUS

Proctor GARY HAMMER 7-00-04114 Widener/GR
Motion of Trustee to Convert or Dismiss case filed 3/17; d/e # 51

Timoney CAMILLA BROWN 7-00-03444 Widener/SO
Motion of Trustee to Convert/Dismiss filed 3/17; d/e # 71

Slavin FRANK NEWBERRY-chl3 7-03-00414 Widener/GR
Motion #1: relief - filed 3/19, d/e # 15, 16 –**RECUSED TO JUDGE KRUMM
by order of 3/21, d/e # 16; 4/16 hearing cancelled.**
First Va. Bank SW (Hathaway) v. debtor & trustee

Goldstein JERRY & MILDRED YATES-chl2 7-01-02170 Widener/NS
Motion #1: Relief - filed 3/26, d/e # 65 *;(pho , d/e # 67, entered 3/27
*filed with Memorandum in Support of Motion, d/e # 66
USA/Dept of Agriculture/Farm Service Agency (Eckert) v. debtors & trustee
RESPONSE of Debtor filed 4/7; d/e # 68

Slavin BARBARA LESTER 7-02-04767 Widener/NS
Motion #1: Relief - and Co-debtor relief (one motion) , d/e # 25, 26, 27
DaimlerChrysler (Higgs) v. debtor; David P Hancock, co-debtor, and Trustee

Lamie DOUGLAS & PRISCILLA BLANKENSHIP - Ch. 13 7-99-00574 Widener/NS
Trustee's Motion to Dismiss or Convert to Ch. 7 [d/e # 108]

Abingdon 4/16/03

2:00 P. M. - CONFIRMATIONS

Lamie FRANK & CHRISTINE MICHAEL - Ch. 12 7-97-01140 Widener/LM
Cont'd hearing on Ch 12 modified plan to be filed to cure arrears [d/e # 181]

Motion #5: Relief - filed 2/6; d/e # 177,
(Contd fr 3/5 to hear w/mod plan to be filed to cure arrears to USA)
United States of America _____agency(Eckert) v. debtors & trustee

M Hart

CHRISTOPHER TODD

7-02-04451

Widener/GR

Plan filed 11/14; d/e # 13

Report, Objection and Showcause Dismiss/convert; filed by trustee 3/20; d/e # 44

Hearing on Evidence of present value of payments to be made to trustee
unless plan is proposed in amt sufficient to exceed projected distribution of Ch 7
liquidation to clearly meet requirements of §1325(a)(4) *court's order of 3/17; d/e # 43*

2:30 P M - TRIAL *

*allow couple of hours – set no other p.m. matters
set at Abg w/court's approval - contd from 4/2

Magee/
Goldstein

LEE COUNTY COMM HOSP -ch11

7-00-02304

DIP/NS

Obj to Claim # 21: Dominion Health Services, d/e # 828 (Copeland)

Response filed 9/16; d/e # 981

Amended Objection filed 11/8, d/e # 1068

Amended Response filed 12/3; d/e # 1216