

4/22/02

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

ABINGDON CALENDAR - APRIL 23, 2002

(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

Proctor DOUGLAS PRUITT-ch7 7-01-03088 Callahan/S
A/P 7-01-00190: Det. Dischargeability; contd from 2/13
TERESA K. SUTHERLAND aks Sullins (Hutton) v. Debtor

Lamie NED BALDWIN-ch7 7-99-03684 Callahan/JM
A/P 7-01-00100: Amended Complaint – Pre-trial
Wm. E. Callahan Trustee (Lamie) v. Life Investors Insurance Co of America (Shortridge)
***–Notice of defendant: Equitable/Judicial Estoppel; Mot to dismiss 2nd amended compl;
and mot for pmt by counsel, Shortridge/ notice of hrg filed 3/25, d/e # 22***

Largen RALPH SMITH-ch7 7-01-05124 Wick/JM
A/P 7-02-00022: Det. Dischargeability
American General Finance (Padgett) v. debtor
Motion to Dismiss and Answer filed 3/22, d/e # 5
Heard by tel. Conf on 4/16; final ptc set 7/3 @ 9:30
(4/23 ptc hrg cancelled.)

O/C
7/3

Beck ANTAEUS TECHNICAL SERVICES 7-99-2114 Copeland/Esposito/S
A/P 7-02-00029: Recover money or property; det.liens; subordinate allowed claim
Robert T. Copeland Trustee for Debtor; (Esposito) v. VBS Investments PTY LTD,
aka VBS PTY LIMITED (Goldstein)

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

Gifford JUNIOR & ANNA GOBBLE-ch7 7-02-00912 Wick/SJ
Motion #1: Avoid lien, filed 3/25; d/e #10, 11
Debtors v. Equity One Consumer Loan Co c/o Commonwealth Legal Svcs Corp

10:00 A.M. - MISCELLANEOUS HEARINGS

Lamie JAMES & CAROL BROYLES-ch7 7-02-00446 Wick/JJ
Motion #2: Relief - filed 3/8; d/e #14, 15; mot to extend stay filed 3/15; contd fr 4/10
Wells Fargo Home Mortgage (Sasser) v. debtors & trustee

Gifford STEPHEN & PENNEE WILSON -chl3 7-02-00801 Widener/VS
*contd fr 4/8 telconf for agr ord **OR** fix hrg on "potential" *special counsel possible conflict*
Motion #1: Relief - filed 2/28; d/e # 11, 12
Kenneth G. Buchanan (Lyle) v. debtors & trustee
Response filed 3/11, d/e # 16

Also: Donald Huffman for Levi Fisher (creditor asserting interest in property)
Mark Esposito tentative special litigation counsel for debtors *
*pending resolution of possible conflict of interest

Copeland TERRY'S INC-ch7 7-98-00781 Wick/VS
Obj to Claim #40: C P Converters, filed 12/10, d/e # 261
-Objection to Objection filed 3/22, d/e # 299 (Kieffer)

Obj to Claim #52; Packaging Corp of America; filed 12/20; d/e # 285
Response filed (by letter) by rep of Packaging Corp of America, d/e # 291, filed 2/5

10:00 A.M. - MISCELLANEOUS HEARINGS

Beck COAL RECOVERY II, LLC 7-00-00074 “ /NS
Motion of Gordon Haley, LLP (counsel for trustee) for compensation of \$68,596.50 and \$3,601.33 expenses filed 4/8 d/e # 113 (Gordon /Hutton)
OBJ: UST (Garber) filed 4/19, d/e # 115

Motion of David J. Hutton (Gen.Counsel for Trustee) for compensation of \$3,737.50 and \$834.66 expenses , filed 4/8, d/e # 114(Hutton)
OBJ: UST (Garber) filed 4/19, d/e # 116

Beck MDC OF ILLINOIS, INC. - Ch. 7 7-00-00078 Farrell/AF
Motion for Compensation (Interim) filed by general counsel for Trustee
in the amount of \$3,737.50 and expenses of \$834.66 [d/e #111] (Hutton)
OBJ: UST (Garber) ?

Motion for Compensation (Interim) filed by counsel for Trustee (Gordon/Hutton)
in the amount of \$68,596.50 and expenses of \$3,601.33 [d/e #112]
OBJ: UST (Garber) ?

Beck MINERAL DEVELOPMENT CORPORATION - Ch. 7 7-00-00071 Farrell/VS
Motion for Compensation (Interim) for general counsel for Trustee
in the amount of \$68,596.50 and expenses of \$3,601.33 [d/e #114] (Hutton)
Objection: UST (Garber) filed 4/19; d/e # 116

Motion for Compensation (Interim) for counsel for Trustee (Gordon/Hutton)
in the amount of \$3,737.50 and expenses of \$4,572.16 [d/e #115]
Objection: UST (Garber) filed 1/17; d/e # 117

Beck GREENFIELDS ENVIRONMENTAL RECOVERY, II, (Ch. 7) 7-00-00076 Farrell/JJ
Motion for Compensation (Interim) of Gordon Haley LLP (formerly known as
Gordon & Wise, LLP), counsel to Trustee, for fees in the amount of
\$68,596.50 and expenses of \$3,601.33 [d/e #111] (Gordon/Hutton)
OBJ: UST (Garber) filed 4/19, d/e # 113

Motion for Compensation for counsel for Trustee, David J. Hutton, Esq.,
Boucher, Hutton, Kelly & Graham, PC, for fees of \$3,737.50 and expenses
of \$834.66 [d/e #112] (Hutton)
OBJ: UST (Garber) filed 4/19, d/e # 114

10:00 A.M. - MISCELLANEOUS HEARINGS

Beck COAL RECOVERY III, LLC 7-00-00075 “ /NS
Motion of Gordon Haley, LLP (counsel for trustee) for compensation of \$68,596.50 and \$3,601.33 expenses filed 4/8 d/e # 116 (Gordon /Hutton)
OBJ: UST (Garber) filed 4/19, d/e # 118

Motion of David J. Hutton (Gen.Counsel for Trustee) for compensation of \$3,737.50 and \$834.66 expenses , filed 4/8, d/e # 115(Hutton)
OBJ: UST (Garber) filed 4/19, d/e # 117

Jessee LEROY M. HULL COMPANY, INC. - Ch.7 7-01-03786 Wick/JJ
(*Converted to Ch7 on 2/1/02*)
Motion #1: Relief - contd from 1/30 to make Ch 7 trustee a party to motion
Bush Hog LLC (Bradwell) v. debtor
Response of debtor file 1/16, d/e # 102; contd from 2/27

Motion #2: Relief - filed 3/21; scheduled for 4/23 (beyond 30 days?); d/e # 142, 143 144
Amsouth Bank (Fleischhauer) v. debtor & trustee

M Large GARY & ANGELA ROSENBAUM-ch7 7-00-04193 Callahan/PR
Motion of counsel for debtors to withdraw filed 3/18; d/e # 34

Gifford LONESOME PINE FOOD MARTS INC-ch7 7-98-00500 Callahan/SO
OBJECTION of Southern States Cooperative, Inc. To Trustee's Final
Report and Proposed Distribution (E. Whitesell) filed 3/15, d/e # 133, 134, 135

Carroll TIMOTHY NEWTON-ch7 7-02-00184 Callahan/AF
Motion #2: Avoid lien - filed 3/15; d/e # 13, 14
Debtor v. American General Finance: Served Jo Wikle, Manager
-ORDER(default) entered 4/16, voiding lien

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10:00 A.M. - MISCELLANEOUS HEARINGS

Timoney	ANDREW, SR. & PATRICIA DEBORD - Ch. 13 Motion #2: Relief - d/e #64 Washington Mutual Finance (Neyhart) v. Debtors & Trustee <i>note: consent order is in the case file awaiting entry on 4/23</i>	7-01-00303	Widener/PR
Carroll	TERANCE & SHARON JOHNSON-ch7 Motion #3: Relief - filed 3/25, d/e # 24, 25 First Union National Bank (Mason) v. debtors & trustee <u>-ORDER of 4/8 modies stay to permit foreclosure</u>	7-02-00040	Wick/LM
Large	CLAUDE & CHARLOTTE CARR-ch7 Motion to dismiss CHARLOTTE CARR ONLY from this bankruptcy proceeding - filed 3/25, d/e #11	7-02-00331	Callahan/VS
Carroll	GARY & REGINA SIMERLY-ch7 Motion #1: Relief - filed 3/25, d/e # 10, 11 First Union National Bank (Mason) v. debtors & trustee	7-02-00880	Wick/AF
Copeland	CONNIE BARBOUR-ch7 Motion #1: Relief - filed 3/29, d/e # 13, 14 Suntrust Mortgage Inc (Neyhart) v. debtor & trustee	7-02-00150	Callahan/SL
Largen	WILLIAM QUESENBERRY-ch7 Motion #1: Relief - filed 4/1; d/e # 15, 16, 17 DaimlerChrysler Services North America LLC (Higgs) v. debtor & trustee -ORDER (agreed) of 4/16 granted relief	7-02-00673	Wick/PR
Shankman	ROGER & DELLA TOWNLEY-ch7 Motion #2: Relief - filed 4/2, d/e # 16, 17 Bank One Columbus (Neyhart) v. debtors & trustee	7-02-00842	Wick/SJ

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10:30 A.M. - MISCELLANEOUS HEARINGS

Copeland JOE & MYRA PIPPIN-ch7 7-02-00919 Wick/VS
Motion #1: Relief - filed 3/29; d/e # 12, 13
Bank One/Valley National Financial Services (Neyhart) v. debtors & trustee
–**ORDER of 4/11, d/e # 15, granted relief, cancels hearing**

11:00 A.M. - MISCELLANEOUS HEARINGS

– GRAYSON MOUNTAIN WATER CO. - Ch. 7 7-01-03363 Wick/PR
U. S. Trustee's (Garber) Objection to employment of professional person
Realtor/Curtis Harrington, dba Tri-Co. Realty [d/e #101]
–contd fr 4/10 (prior approval order *rescinded*)

Copeland EDGAR & HATTIE SHAFFER-chll 7-01-04468 DIP/AF
Showcause; if fails to comply with terms of consent order w/U.S.Trustee at 1/30 hrg
to file reports/cure fee arrearages in 45 days
–contd from 3/27 & 4/10

J Jessee HOLSTON FURNITURE OF VA INC-chll 7-01-01181 DIP/VS
Motion of Debtor's counsel for compensation of \$5,700 and expenses of
\$916.33, filed 3/29., d/e # 56

Copeland BEAR RIDGE MINING-chll 7-00-00708 DIP/AF
Motion #1: Relief - filed 4/1; d/e # 147
GMAC (Eason) v. debtor

Motion for Compensation of Special Tax Counsel, John Y. Merrell, Jr.
(Merrell & Merrell, P.C.) for \$4,629.00 fees & \$110.32 expenses
(*proposed order tendered*) [#150]
Motion to Waive Notice and Hearing on Fee Application of Special Tax
Counsel filed (*proposed order tendered*) [#151]
Order entered 4/9 directing all objections to Final Application for Compensation
& Reimbursement of Expenses of Special Tax counsel be filed no later than
4/18 [d/e # 152]

Abingdon Calendar 4/23/02

11:00 A.M. - MISCELLANEOUS HEARINGS

Copeland	HARMAN MINING CORP-chll	7-98-01988	AF
	Contd hearing on application of UMWA Health & Retirement for payment of expenses (Kieffer) d/e 238, 240, 241 from 11/7 to hear w/Mot to Consolidate due by 12/31 IF plans/disclosures not filed in each case <u>-contd fr bench 1/29 for 4/23 @ 11 at Abg; Kiefer to p/o</u>		
Goldstein	ABSHER REALTY INC-chll	7-97-01759	DIP/SL
	Confirmation of Amended Plan filed 12./21, d/e # 313; <i>contd from 2/13 on joint request of counsel; mediation of USDC matter scheduled 4/11)</i> Objection: of FNB Southeast, Successor to Black Diamond Savings Bank (Esposito) filed 2/4, d/e # 322 OBJECTION contd fr 12/10: Black Diamond S & L filed 11/20, d/e # 305 (Esposito) **Obj of IRS: Ord of 12/28 dismissed Obj of IRS to conf. Motion for Compensation (10 th Interim) for counsel for debtor [#302] contd fr 12/10		
Copeland	GEORGE W. MARSHALL JR-ch11	7-01-02972	DIP/SJ
	Motion of Highlands Union Bank to Reinstate Motion #2: (Hutton) (Mot.#2: Relief - filed 10/3/01; d/e # 25; in which 11/1/01 Ord denied relief with stipulation that if conditions not met, could result in relief being granted). Motion #3: Relief - filed 3/25; d/e # 40, 41 42 Conseco Finance Servicing Corp (Chappell) v. debtors & trustee <u>Response filed 4/3, d/e # 48</u>		
Copeland	GEORGE S. PATTON - Ch. 11	7-02-01131	DIP/VS
	Motion #1: Relief [d/e #16] Citicapital Commercial Corp. (Huebschman) v. Debtor <u>RESPONSE filed 4/4, D/E # 21</u>		

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11:00 A.M. - MISCELLANEOUS HEARINGS

Copeland CUMBERLAND MOUNTAIN TRUCKING - 11 7-02-00378-WSB DIP/AAF
Motion #3: Relief – filed 3/26 [d/e # 41]
Citicapital Commercial Corp. (Huebschman) v. Debtor
–*scheduled @ Abg w/court approval as no late April date available @ BSG*
RESPONSE filed 4/4, d/e # 47

A/P 7-02-00030:

Debtor v. Citicapital Commercial Corp (Fleischhauer/Huebschmann/Bradshaw) and
Worldwide Equipment Inc dba Blueridge Kenworth()
Contd from 4/9 to hear w/Motion for Relief

Copeland CORBIN COAL INC-chll 7-02-00039 DIP/PR
Motion for Order of Contempt for Violation of Stay : Creditor: Valley National Gas
filed 3/25, d/e # 38
Response filed 4/19, d/e # 44, (Esposito)

1:00 P. M. - CHAPTER 13 CONFIRMATION HEARINGS

Farthing STEPHEN & LORRI CORDER-chl3 7-01-04496 Widener/JJ
Gifford Mod Plan filed 3/13; d/e #47
Trustee Showcause Motion: convert/dismiss; d/e # 14; contd from 2/13 & 2/27

Motion #1: relief - filed 3/28; d/e # 54, 55, 56
Mortgage Electronic Registration Systems Inc as Nominee for Noteholder,
Washington Mutual Home Loans Inc (Patterson) v. debtors & trustee
Response filed 4/5, d/e # 57
–*consent order circulating – see “copy” in case file*

Hutchinson DAVID COX-chl3 7-00-00615 Widener/SL
Mod Plan filed 1/10; d/e # 29, 30; contd from 2/27 to provide info to trustee
Motion of Trustee to Dismiss or convert contd from 1/3 d/e # 25, filed 11/15
Trustee Report and Motin to Convert or Dismiss filed 1/25, d/e # 31

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1:00 P. M. - CHAPTER 12 & 13 CONFIRMATION HEARINGS

Hutchinson JAMES & CONNIE ALLEY-ch13 7-01-04207 Widener/NS
Mod Plan filed 1/2, d/e # 16, 17; contd fr 2/27 to amend schedules I & J
Objection: (new): American Gen. Finance (Hutton) filed 1/16, d/e # 20

Objections of American General (Hutton) and Trustee and Trustee's Motion to
Dismiss or convert contd from bench Jan 2 to hear w/mod plan

R Foster CHARLES SIMPSON-ch13 7-01-05041 Widener/VS
Mod Plan filed 2/27; d/e # 18, 19
Motion of Trustee: convert/dismiss, filed 2/7, d/e # 17, contd from 3/13 by 3/11 ord.

Largen RUBY BERRIER-ch13 7-01-05120 Widener/SJ
Plan filed 12/10, d/e #6; contd from 3/13 (to secure new job)
Trustee's OBJECTION, report and Showcause on Dismissal filed 2/7; d/e # 14

Fleenor RUFUS & BETTY MURRAY-ch13 7-01-04667 Widener/NS
Mod Plan #3 filed 3/4, d/e # 26 with certif of service
Trustee Report, OBJECTION and showcause: dismiss/convert filed 3/15; d/e # 31
Motion of Trustee to dismiss/convert (d/e #17 & 23) contd from bench 3/13

-Note: further modif. Plan (#4) filed 3/28, d/e # 33, to be set for 6/5 @ 1
(no late May dates available)

Hutchinson ANNA DUNFORD-ch13 7-01-04055 Widener/SL
Mod Plan filed 12/17 - contd from 3/13

Motion for valuation: d/e # 29, filed 3/4, NCB -Roanoke, '95 Ford Ranger

Abingdon Calendar - 4/23/02

1:00 P. M. - CHAPTER 12 & 13 CONFIRMATION HEARINGS

Hutchinson GREGORY & CATHY FERGUSON-ch13 7-01-05346 Widener/JJ
Plan filed 12/26; d./e #6; contd from 3/13 (file val. Mots)
Amended Plan filed 2/5 with c/s All Creditors, d/e # 12, 15
Objection: Bank One/Valley national Financial Services (Neyhart) filed 3/4,[#16]

Showcause(Debtor's Counsel)Why Order not tendered ref. 3/13 continuance of conf hrg
-d/e # 18

Goldstein JERRY & MILDRED YATES-ch12 7-01-02170 Widener/NS
Note: 3rd mod plan filed 3/20; set for conf on 5/7 @ 1
Trustee's OBJECTION, report and Showcause on Dismissal filed 2/28; d/e # 49

Gifford JAMES HATCHER - Ch. 13 7-01-05304 Widener/JM
Mod Plan filed 12/20; d/e # 6; contd from 3/13

Motion for valuation of certain household goods upon which Heilig Meyers Furniture
has lien [d/e #18] (*Proposed order in file*)

Furnishings Motion for valuation of certain appliances/furniture upon which Grand Home
has lien [d/e #19] (*Proposed order in file*)

Motion for valuation of a 1993 Toyota SR automobile upon which Arcadia
Financial, LTD has lien [d/e #20] (*Proposed order in file*)

1:00 P. M. - MISCELLANEOUS HEARINGS

Gifford KENNETH & DEBORAH HANCOCK 7-02-00629 Widener/SJ
Note: conf not scheduled until 5/7 @ 1 on plan filed 3/6, d/e # 15
Trustee Report, OBJECTION and Showcause : Dismiss/Convert: filed 3/20; d/e # 18

Motion #1: Relief - filed 4/8; d/e # 20; (no p.h.o. entered; less than 20-day notice)
Miners Exchange Bank (Copeland) v. debtors & trustee

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1:30 P. M. - MISCELLANEOUS HEARINGS

Gifford JAMES & LOIS WYATT -**ch12** 7-01-01301 Widener/VS
Trustee Motion *contd from bench 3/13 for status (granted 30 days from 3/13 to file mod plan)* with Notice of Showcause; Dismiss/convert, filed 2/13, #57

Copeland DAVID & AMELIA RUTHERFORD-ch13 7-01-02194 Widener/S
Motion to suspend wage deduction and chapter 13 payments (filed 2/22, d/e # 28)
Response of Trustee filed 2/28; d/e # 29
-contd from 3/13 – to be re-noticed to all creditors

2:00 P. M. - MISCELLANEOUS HEARINGS

Largen VICTOR HANKS-ch13 7-00-01937 Widener/NS
Motion of Trustee to convert or dismiss filed 3/14, d/e #57

Carmody REBECCA HESS-ch13 7-01-05252 Widener/SJ
Trustee Motion to Dismiss case or convert to Chapter 7 filed 3/15, d/e # 24
(Note: OMOP of 3/18 denied conf & granted 20 days to file mod plan OR case be dismissed without prejudice and without further notice or hearing)

Largen ISAAC & BELINDA HOCKETT-ch13 7-97-05010 Widener/VS
Trustee Motion to Dismiss or Convert to Ch 7 filed 3/14, d/e # 36

Trustee Motion to Dismiss case or convert to Chapter 7 filed 3/14, d/e # 36

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2:00 P. M. - MISCELLANEOUS HEARINGS

Timoney	JOY BILELLO-chl3 Motion of Trustee to convert or dismiss filed 1/24, d/e # 23 –contd from 2/27 & 4/10 ; \$8.00 bal. Due	7-01-03375	Widener/SL
Timoney*	HENRY RATCLIFFE-chl3 Trustee Motion to Dismiss or Convert filed 2/28; d/e # 23 <i>–oral pro se motion of debtor for continuance granted (from 3/27) to obtain new counsel *and pursue filing modified plan (*Pursuant thereto, counsel, Timoney, to tender order permitting withdrawal as counsel of record in case)</i>	7-99-02871	Widener/VS
Carmody	TIM & KATHY CHAFINS-chl3 Motion #1: Relief - filed 3/28; d/e # 52, 53 Fairbanks Capital Corp (Clarke) v. debtors <u>Response filed 4/1; d/e # 54</u> Motion of Debtors to Showcause: Contempt: Inpose Sanctions against Fairbanks Capital Corp (Clarke) filed 4/1;d/e#54, 55	7-00-02268	Widener/AF
Largen	JESSE & DARLENE REEVES-chl3 Motion #2: Relief - filed 4/8; d/e # 32 (No p.h.o. entrd; less than 20-day notice) Chase Manhattan Mortgage Corp (Clarke) v. debtors & trustee	7-01-00051	Widener/VS