

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

ABINGDON CALENDAR - JULY 2, 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

admission: Angela Dawn Figueiras by Eric Reecher, Esq.

F Adkins	HOMER & DOROTHY CHAFFIN -ch7 A/P 7-03-00050: Det dischargeability Debtors v. William E. Callahan Jr. Trustee (Callahan) -answer filed 5/15, d/e # 6 -Callahan to p/o to re-schedule this BSG AP to 7/1 @ BSG @ 9:30	7-02-05181	Callahan/S
Money	JOSEPH FRANCIS-ch6 A/P 7-03-00040: Obtain declaratory judgment; -contd from 6/4 Wm. E. Callahan Jr, Trustee (Callahan) v. James D. Francis(Hammer); Robert L. Francis(Hammer); Susan H. Francis(Hammer); Donald M. Francis(Hammer) & Margaret Ann Lootens aka Margaret Ann Francis(Hammer)	6-01-00208	Callahan/S
Copeland	BRAVEHEART, INC - ch7 A/P 7-02-00144: Recover money or property; contd from 5/20 to set new trial date Wm. E. Callahan Jr. Trustee (Callahan) v. Donald P. Whited (Esposito)	7-00-03070	Callahan/JM
Largen	SCOTT & TAMMY LAFFERTY-ch7 A/P 7-03-00070: Revoke or Object to Discharge, II USC section 727 W. Clarkson McDow Jr., U. S. Trustee (Garber) v. debtors	7-02-01158	Callahan/JM
Welch	PAUL & LYNN NESTER-ch7	7-00-00238	Callahan/AF

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

Copeland ARTHUR III & BOBBIE GREGORY-ch7 7-03-00442 Wick/LM O/C
A/P 7-03-00065: Det dischargeability 7/23
Wheels Autoobiles Inc, dba Phil Bachman Honda(Reecher) v. debtors
–*Mot to dismiss as to defendant Bobby Gay Gregory (failure to state cause of action)*
–*contd by court’s ord of 5/22 to 7/23 @ 9:30 (defendant’s counsel not available)*

A/P 7-03-00066: det. Dischargeability
Manheim Automotive Financing Serv dba Harrisonburg Auto Auction(Esposito) O/C
V. Debtors & Auto Brokers, aka Art Gregory 7/23
–*contd by court’s ord of 6/2 to 7/23 @ 9:30 (defendant’s counsel not available)*
–: *Order of 6/20, d/e # 11, determined debt to be non-dischargeable and granted judgment; d/e # 12 order dismissed a party defendant;*

10:00 A. M. - MISCELLANEOUS

Jessee DARRELL BREEDING-ch7 7-02-03003 Callahan/VS
Motion #2: Relief - filed 12/24, contd from 1/22, 2/19 & 3/19; d/e # 45 49
Ford Motor Credit Co (Black) v. debtor & trustee
Response of Trustee filed 1/6; d/e # 47 contd from 5/7

Trustee Motion to extend Deadline for Objecting to Discharge filed 6/3 d/e # 94
–*Agreed Order of 6/13 granted trustee’s motion*

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

Motion to approve compromise settlement filed 4/18; case file d/e#15; AP d/e#14

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/Eckert) contd for purpose of fixing trial

Antenucci
Copeland COVER GIRL SEEDING-ch7 7-00-01332 Callahan/SJ
Obj of Trustee to Claim #6 of Selco Seeding Inc, filed 5/23, d/e # 62 , 63
Response of claimant filed 6/25, d/e # 64 (Esposito)

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10:00 A. M. - MISCELLANEOUS

Farthing SHERMAN HUFFMAN JR-ch7 7-03-01891 Callahan/GR
Motion #1: Avoid lien - filed 5/30; d/e # 10, 11
Debtor v. Wells Fargo Financial West Va, Inc. () & Secretary of State
@ Charleston WV()

Fleenor JACK & SHARON JOHNSON-ch7 7-03-01512 Callahan/SJ
Motion #1: Avoid lien - filed 6/2, d/e # 16, 17
Debtors v. Tico Credit

Motion #2: Relief - filed 6/11; d/e # 18, 19
Household autonotive Finance Corp (Goldstein) v. debtors & trustee

Jackson DONNA RUTHERFORD-ch7 7-03-01862 Shortridge/SJ
Motion #1: relief - filed 6/4; d/e # 10, 11
Cit/Sales Financing (Foreclosure Management) (Bierman) v. debtor & trustee

Money JAMES & LORRIE ROBINSON - Ch. 7 7-02-04828 Krippendorf/AF
A/P 7-03-00030: Determine dischargeability of debt
Debtor v. U. S. Department of Education (Eckert) and Tri-County Driving Academy
() –U.S.Dept of Educ. Dismissed as party defendant
--Motion for default judgment filed by Plaintiff [d/e # 8]

Snodgrass ROGER & SHIRLEY HENDERSON-ch7 7-03-01141 Wick/GR
Motion #1: Relief - filed 6/9; d/e # 16, 17; d/e # 19 cured deficiency re: wrong trustee
Citizens Auto Finance Inc (Fogleman) v. debtors & trustee
–Consent Order granting relief from stay entered 6/17 [d/e # 20]

Slavin RALPH & EVELYN THOMPSON-ch7 7-03-01790 Shortridge/LM
Motion #1: Relief - filed 6/9, d/e # 12, 13
AmeriCredit financial Services Inc (Epps) v. debtors & trustee
-DEFAULT order tendered & entered_____

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10:00 A. M. - MISCELLANEOUS

Cody RITA BRADLEYch7 7-03-01887 Shortridge/NS
Motion #1: Relief - filed 6/11; d/e # 11, 12, 13
Transouth Financial Corp (Sublett) v. debtor & trustee
-ORDER (agreed) entered 6/23, granted relief, cancels hearing

Pro se BOBBY BLAIR-ch7 7-02-04921 Krippend/GR
Motion for Contempt: U. S. Trustee (Cosby) v. Sherry Ketchum, Bankruptcy
Petition Preparer, for failure to comply with Court's Order of 3/7/03 filed 6/13,d/e#24

Jessee LEROY M. HULL CO INC-ch7 7-01-03786 Wick/JJ
Motion of Gaines Dickenson, CAI, for fees of \$21,792.30 and expense \$2,619.28
filed 6/12, d/e # 222, 223

Motion of Claas of America LLC (King) for order authorizing payment of allowed
Secured Claim filed 6/11, d/e # 221
Obj: Kubota Tractor Corp (Kirstein)
Kuboto filed Mot to continue hearing (Kerstein to ten ord contg to 8/20 @ 3:00)
Response of Trustee filed 6/27; d/e # 229

Carmody MICHAEL TESTER-ch7 7-03-01560 Callahan/JJ
Motion #1: Relief - filed 6/12, d/e # 13, 14
First Community Bank NA (Kieffer) v. debtor & trustee
Answer filed 6/20, d/e # 15

n/a GRAYSON MOUNTAIN WATER COMPANY 7-01-03363 Callahan/VS

Obj of Trustee to (47) Claims as follows:
#2: Burch-Hodges-Stone, filed 5/13, d/e # 166
Response filed 6/13, d/e # 222, (Abreu)

#11: Advanta Business Services filed 5/13, d/e # 167

#18: Joseph Baressi, filed 5/13, d/e # \$ 168

#19: Richard C. & Jane B. Whiteside, filed 5/13, d/e # 169

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10:00 A. M. - MISCELLANEOUS

n/a GRAYSON MOUNTAIN WATER COMPANY 7-01-03363 Callahan/VS

Obj of Trustee to (47) Claims *contd from previous page*

#22: Mr & Mrs Robert Curtis, filed 5/13, d/e # 170

#24: Kenneth G. Haydis, filed 5/13, d/e # 171

#25: Georgette Schaeffer, filed 5/13, d/e # 172

#26: James Akers Trucking, filed 5/13, d/e # 173

#28: Kozak Beverages, filed 5/13, d/e # 174

#30: Dr. R. Erik & Cheryl Y. Hartvigsen, filed 5/13, d/e # 175

#32: Virgil L Schenck IV filed 5/13, d/e # 176

#33: Michael A. Catarion filed 5/13, d/e # 177

#34: Ralph A & T eresa R. Montgomery, filed 5/13, d/e # 178

#35: Barry W. Bondurant, filed 5/13, d/e # 179

#40: Kenneth Lane, filed 5/13, d/e # 180

#41: Dr. Devin & Mary Troyer, filed 5/13, d/e # 181

#43: Parsons & Rives, Inc filed 5/13, d/e # 182

#44: Hills Farm Inc Market filed 5/13, d/e # 183

#45: Sumner Trucking Lines filed 5/13, d/e # 184

#49: Dennis Lee filed 5/13, d/e # 185

#50: Samantha Seberal & Evelyn Hemingway filed 5/13, d/e # 186

#51: Harold J & Evelyn M. Heningway filed 5/13, d/e # 187

#52: Lillian G. Whitby filed 5/13, d/e # 188

#53: John Mabry, filed 5/13, d/e # 189

#54: Hal & Dawn Peterson, filed 5/13, d/e # 190

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Abingdon Calendar - 7/2/03

10:00 A. M. - MISCELLANEOUS

n/a GRAYSON MOUNTAIN WATER COMPANY 7-01-03363 Callahan/VS

Obj of Trustee to (47) Claims *contd from previous page*

#55: David W. Erickson filed 5/13, d/e # 191

#56 & #57: David W. Erickson filed 5/13, d/e # 192

#58: Daniel E. Wise, filed 5/13, d/e # 193

#59: Ron L. Braund, filed 5/13, d/e # 194

#60: John Fracchia, filed 5/13, d/e # 195

#65: Anthony C. Hemingway, filed 5/13, d/e # 196

#66: Alexandra N. Hemingway, filed 5/13, d/e # 197

#67: Peter D. Furness Jr. Filed 6/13, d/e # 198

#68: Robert C. & Kimberly D. Hemingway, filed 5/13, d/e # 199

#69: David M & Vanessa M. Douglas filed 5/13, d/e # 200

#70: Kathey & Ted Werner, filed 5/13, d/e # 201

#71: Dr. David P. Honey, filed 5/13, d/e # 202

#72: :Mark J. Petkovsek filed 5/13, d/e # 203

#73:: Harvey & Sandy Manhal, filed 5/13, d/e # 204

#74: David R & Patricia Dunavant, filed 5/13, d/e # 205

#77: Internal Revenue Service, filed 5/13, d/e # 206

See also d/e # 210, claim #82, below

#78: Sea Star Lines LLC filed 5/13, d/e # 207

#79: Portola Packaging Inc filed 5/13, d/e # 208

#80: Missouri Dept of Revenue filed 5/13, d/e # 209

Response filed 6/2, d/e # 218; (Gary Barnhart) *

****Request for telephone hearing granted w/exception: any examination/cross-examination of witnesses will require presence of counsel; ntc filed 6/13, d/e # 221***

(Phone No. (573) 751-5531) –court will initiate the call

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10:00 A. M. - MISCELLANEOUS

n/a GRAYSON MOUNTAIN WATER COMPANY 7-01-03363 Callahan/VS

Obj of Trustee to Claims *contd from 7/2*

#83: Roger & Linda Catarino filed 5/13, d/e # 211

RESPONSE filed by Roger & Linda Catarino (Lamie) [d/e # 223]

#84: Charles & Lisa Campbell filed 5/13, d/e # 212

RESPONSE filed by Charles & Lisa Campbell (Lamie) [d/e # 223]

11:00 A. M. - MISCELLANEOUS

Copeland HARMAN MINING CORPORATION-chll 7-98-01988 DIP/AF

Motion of Magee, Foster, Goldstein & Sayers for 7th Interim Compensation

Allowance for Unsecured Creditors Committee of \$4,099.00 and \$190.35 expenses filed 6/13, d/e # 779

Copeland G & A COAL CO INC-ch7 7-99-02321 Callahan/GR

Motion of Magee Foster Goldstein & Sayers for 4th Interim Fee Allowance of

\$12,768.50 and \$544.31 expense (counsel for Ch 7 Trustee)

Lawson LAMBERT OIL CO INC-chll 7-03-01183 DIP/VS

Motion of Associate Va Counsel for Debtor for fees of \$9,266.00 and \$83.72

Expense filed 6/18, d/e # 43; noticed 6/19; d/e # 45 for 7/2 date

-NOTE: AMENDED NOTICE filed, rescheduled to 7/23 @ 11:00

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Snodgrass VICTOR & DONNA FELTY 7-03-01380 Widener/AF
Obj: (to original plan) filed 5/14, d/e # 14: SLM Financial Corp (Hutton)
Note: mod plan filed 6/9; d/e # 16, set for 7/23 @ 1:00

Hutchinson ROBERT & LOVINIA SALTZ 7-02-00625 Widener/SL
Mod Plan filed 4/24/03, d/e # 53, 54 , *contd from 6/18*
Objection: Highlands Union Bank (Hutton); contd fr 6/4 to obtain appraisal

Motion of Trustee to dismiss or reconvert to Ch 7 - contd from previous hrgs
Response of Ch 7 Trustee filed 5/19, d/e # 62 (Callahan); contd from 6/18

Abingdon Calendar - 7/2/03

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Via STEVEN & TERESA GRIZZEL-ch13 7-03-01454 Widener/SL
Plan filed 4/7; d/e # 6

Valuation: Washington Mutual finance: property: 90 Czoka Rd Bristol, filed 6/6 ,d/e #11

Valuation: Washington Mutual; 1993 Ford; filed 6/6,d/e # 12

Valuation: Highlands Union Bank: 2002 Jeep Liberty, filed 6/6; d/e # 13

Motion #1: Avoid lien
Debtors v. Tico Credit Co - filed 6/12, d/e # 14, 15

Motion #2: Avoid lien - filed 6/12, d/e # 16, 17
Debtors v. Washington Mutual Finance

M Hart JOSEPH & PAMELA GROSECLOSE 7-02-05059 Widener/SL
Mod Plan filed 4/4; d/e # 27,. 28, 29, (#31 amended ntc); *contd from 6/4*
(IRS obj to original plan dismissed by ord of 4/23)

Via RALPH DENTON-chl3 7-03-01455 Widener/SL
Plan filed 4/7; d/e # 6,)
Obj: IRS (Eckert))Agr O/E 6/30 contg conf & Obj of IRS to 8/20 @ 1
) for debtor to file tax return

! Valuation: Amsouth Bank: 1997 Chevrolet Silverado; filed 6/6; d/e #16

—

Valuation: 1999 Chev. Pickup: Tri-Cities Finance, filed 6/6, d/e # 17

—Obj & Motion for continuance to 7/23 filed 6/17, d/e # 18, 19(Copeland)

—ORDER of 6/30 granted continuance of valuation to 7/23 @ 1:00

o/c
7/23

Snodgrass MACK & MELISSA EDWARDS-chl3 7-03-01048 Widener/AF
Plan filed 3/13, d/e # 6

Motion #1: Avoid lien - filed 5/27; d/e # 20, 21

Debtor v. Citifinancial Services attn: Roxanne Marr, Asst, Mgr

Abingdon Calendar - 7/2/03

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Slavin FRANK NEWBERRY-chl3 7-03-00414 Widener/GR
Mod Plan filed 5/12, d/e # 28, 29
Trustee's Report, Obj & Show Cause: Dismissal/Conversion filed 6/2, d/e # 33

Farthing DEBBIE SEMONES 7-02-04248 Widener/AF
Mod Plan filed 5/16, d/e #71, note: re: 6/18 hrg, further modif to be filed
Trustee's Report, Obj & Show Cause: Dismissal/Conversion [d/e # 66] contd fr 5/21 hrg

Carmody DELLA LOONEY - Ch. 13 7-03-00229 Widener/SJ
Plan [d/e # 29] ; mod plan filed 5/1, d/e # 29, with c/s; contd at 5/21 hrg from 6/4 to 7/2
Trustee's Report w/objection & Show Cause on Dismissal/Conversion [d/e # 30]
-contd from 5/21

Motion #1: Avoid lien - filed 6/2, d/e # 35, 36

Debtor v. Citifinancial

Snodgrass JOHN & JOYCE WOODS 7-03-01509 Widener/JM
Plan filed 4/10; d/e # 6

Valuation: J & A Auto Sales Inc: 1997 Ford Escort, filed 5/23, d/e # 14

Valuation: Bank One Retail Lending Automotive: 2000 Chev. Silverado filed 5/23,d/e#15

Valuation: American General financial Services: Silverado Above-Ground Pool
filed 5/23, d/e # 16

Valuation: Regency Finance Co: Bedroom Furn., filed 5/23, d/e # 17

Abingdon Calendar - 7/2/03

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Snodgrass MARK & BARBARA WILLIAMS 7-03-00855 Widener/SL
Mod Plan filed 6/24, d/e # 41, 42, scheduled 8/20 @ 1:00
Trustee's Report w/objection & Show Cause on Dismissal/Conversion filed 6/5; d/e # 36

Obj to plan: Former Chapter 7 Trustee(Callahan)
& Mot to Reconvert to Ch7 filed 6/5, d/e # 38 , 39

Valuation: Heilig Meyers Furn. Co : furniture, filed 6/4, d/e # 35

Slavin BARBARA LESTER 7-02-04767 Widener/NS
Mod Plan filed 5/9, d/e # 31, 32
Trustee report, Objection & Motion to Dismiss or convert filed 6/2; d/e # 36

Hutchinson ROY & PEGGY OWENS 7-03-00824 Widener/SJ
Plan filed 3/3; d/e # 6 *contd from 6/4*
Trustee report, Objection & Showcause: Convert/dismiss filed 4/18; d/e # 19

Motion for Valuation of 2000 Kia Sportage—owe \$15,111 to AmeriCredit [d/e # 21]

Motion for Valuation of John Deere Mower—owe \$1,692 to Deere Credit Service; d/e #23

Timoney YVONNE RODRIGUEZ - Ch. 13 7-03-01300 Widener/SO
Plan filed 3/31, d/e # 6
Trustee's Report, Objection & Show Cause on Dismissal [d/e # 16]
-CONVERT TO Ch 7 on 6/25 on debtor motion

Hutchinson RICKY & PAMELA BOWERS 7-03-01128 Widener/AF
Plan filed 3/18; d/ 3 #6

Abingdon Calendar - 7/2/03

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Lamie DENNIS & CHERYL MCFARLANE 7-03-01301 Widener/GR
Plan filed 3/31, d/e # 6

Gifford DAVID BURNETTE 7-03-01445 Widener/SL
Plan filed 4/7; d/e # 6
-ORDER of 6/19 dismissed case on trustee motion

Antenucci DOLORES SHINAULT-ch13 7-03-01965 Widener/SL
Motion #1: Relief - filed 6/6; d/e # 15, 16, 17
Wells Fargo Financial Acceptance (Smith) v. debtor & trustee
Agreed Order to be tendered in court on 7/2 by Ms. Widener by agreement of parties

Carmody HASSEL & GAYLENE JUSTUS-Ch13 7-01-04945 Widener/LM
A/P 7-03-00026: ***Mot of Ch 13 Trustee to be substituted as Plaintiff & Motion to Appoint Jo S. Widener as counsel for trustee in this proceeding***
Hassel Justus (Carmody) v. SLM Financial Corporation(Hutton) and David Hutton Esq()

2:30 P. M. - TRIAL

Harman ALFRED & FANNIE WILLIAMS - Ch. 7 7-01-02690
A/P No. 7-01-00184: Determine validity, priority, or extent of a lien
Kemba Roanoke Federal Credit Union (Higgs) v. Debtors (Harman) &
Chicago Title Insurance (Whitlow)

NOTE: SETTLED; Consent order to be tendered (by Higgs)