

9/17/01

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

ABINGDON CALENDAR - SEPTEMBER 25, 2001

(The Honorable William F. Stone Jr. Presiding)

(Start _____ Recess _____ / _____ Stop _____ Trials: _____ Proceedings _____)

Attys:

Debtors:

Case Nos.:

Trustees:

9:30 A. M. PRE-TRIALS & PRELIMINARY HEARINGS

M.Black CRAIG S. CROPP MD_ch7 7-01-00093 Callahan/
A/P -01-00093: Obtain declaratory judgment: re: determination of professional insurance liability of Ch 7 debtor; enjoin prosecution of state court malpractice action St. Paul Fire & Marine Insurance Company (Phillip V.Anderson) v. William E. Callahan, Jr., Trustee (Callahan); Craig S. Cropp, MD (Black); Craig S. Cropp MD PC (); Harper Wayne Linthicum by his parents and best friends, Gary and Michelle Linthicum (*S.D. Roberts Moore)
***Answer of Linthicum & Motion to Dismiss and Motion to Abstain filed 8/28**

To be heard by telephone conference @ 9:15 a.m. October 9 @ Abingdon Counsel to initiate call

Largen KEVIN & BRANDY MUNCY - ch7 7-01-03218 Wick/AF
Motion #1: Relief - filed 8/15; d/e # 10, 12; filed w/ord extending stay Va. Housing Dev. Authority (Bodie) v. debtors & trustee

Largen DANIEL & JENNIFER CRUEY - Ch. 7 7-01-03283 Wick/PR
Motion #1: Relief
Va. Housing Development Auth. (Wade) v. Debtors & Trustee – d/e #10
–agreed order circulating (per copy provided to court 9/10)

10:00 A. M. MISCELLANEOUS HEARINGS

Gifford	JERRY & JUDITH KENNEDY-ch13 Motion to <u>reconvert</u> from Chapter 13 to Chapter 7 filed 8/22 & \$15 fee paid	7-98-04415	Widener/MC
Fleenor	DONALD BARRETT-ch7 Motion for authority to sell property filed by Trustee (Callahan) on 9/6; d/e # 40	7-01-01093	Callahan/PR
Via	SHIRLEY CARTER - ch7 Motion of U S. Trustee (Garber) to extend debtor's discharge and time for filing objection to discharge pursuant to 11 U.S.C. Sec. 727; d/e # 15, filed 8/16 ; contd from 9/12	7-01-01976	Callahan/JJ
Wick	DEBORAH HEFFINGER-ch7 Objection of Trustee to claim of exemptions filed 6/22; d/e # 11	7-01-01612	Callahan/SJ
Large	ROGER LARGE- reop 6/22/01 d/e #68 Debtor Motion to compel Peoples Bank & Trust Co of Hazard (NEAL KEESEE) to be held in contempt of court and be ordered to immediately divide stock and remove debtor's name from remaining stock certificate d/e # 64, filed 6/18 -Contd fr 7/24 to add corporation as party - (may conduct tel. Conf prior to hrg upon request of parties)	7-95-03348	Money/

10:00 A. M. MISCELLANEOUS HEARINGS

Largen BRAD WATSON - Ch. 7 7-00-03744 Wick/SO
Objection to Claim # 1 of Grayson Nat'l Bank () d/e #27

Motion of Trustee for c ompensation of \$2,066,62, d/e #29, filed 8/24

Via SHIRLEY CARTER-ch7 7-01-01976 Callahan/JJ
Obj to claim of exemptions filed by trustee (Re: '93 Brandywine Mobile Home)
Filed 8/27; d/e # 23

Largen ETHEL JOHNSON-ch7 7-01-02954 Wick/MC
Motion #1: Relief - filed 8/27; d/e # 12, 13
Conseco Finance Servicing Corp (Kirk McQuiddy) v. debtor & trustee

Money OPAL KING-ch7 7-01-03178 Callahan/AF
Motion #1: Avoid lien filed 8/30; d/e # 10, 11
Debtor v. Sup[er]ior Financial Service Inc attn Managing Agt or Officer

Money BARRY BLEVINS-ch7 7-01-02660 Callahan/JJ
Motion #1: Avoid Judgment lien filed 8/30; d/e # 15, 16
Debtor v. Providian National Bank attn Sarah J. Zecca, Esq, or managing agent or officer

10:00 A. M. MISCELLANEOUS HEARINGS

Money	CONNIE SUE BLEVINS-ch7 Motion #1: Relief - filed 8/27; d/e # Mitsubishi Motors Credit of American (VanBeek) v. debtor & trustee – AGREED order entered 9/10/01	7-01-03099	Callahan/S
Money	KEVIN & BONNIE ASHLIN - Ch. 7 Motion #2: Relief Conseco Finance Servicing Corp., f/k/a Green Tree Financing Corp. (Chappell) v. Debtors & Trustee – d/e # 55 – Default order of 9/14 granted relief	7-99-03250	Callahan/MC
Carroll	ROGER & BARBARA WHITE-ch7 Motion #1: Relief - fled 8/29; d/e # 10 Bank One West Va. NA (Neyhart) v. debtors & trustee	7-01-03367	Wick/NS
Arey	ROGER & RUTH YEARIANS-ch7 Moton #1: Relief - filed 8/29; d/e # 13, 14 Bank One West Va. N.A. (Neyhart) v. debtors & trustee	7-01-02551	Callahan/VS
Atkins	MICHAEL & SHANNON BROOKS-ch7 Motion #2: Relief - d/e # 18, 19, filed 8/29 Conseco Finance Servicing Corp (Kirk McQuiddy) v. debtors & trustee	7-01-02525	Callahan/MC
Copeland	INDEPENDENT ENTERPRISES INC-chll Showcause for Debtor and Debtor’s counsel; failure to comply with Local Rule 3022-1 (d/e # 84) - contd from 6/5 ; info presented 6/5 not in proper format –contd fr 7/10; contd further 8/28 from bench; no ord thereon required ; for notice to all creditors in interim on final report	7-98-02622	DIP/SJ

10:00 A. M. MISCELLANEOUS HEARINGS

Carroll	LORRAINE WARD-ch7 Motion #1: Avoid lien; filed 9/4; d/e # 18, 19 Debtor v. American General Finance	7-01-00891	Wick/VS
Largen	GEORGE & TERI SAUM-ch7 Motion #1: Lien avoidance - filed 9/4; d/e # 24, 25 Debtors v. City Finance Co	7-96-00583	Money/Reop/ PR
Slavin	WAYNE & JOANN HOVENCAMP- ch7 Motion #1: Relief - filed 9/4; d/e #13, 15 Vanderbilt Mortgage & Finance Inc (Higgs) v. debtors & trustee	7-01-03201	Wick/VS
Copeland	BRIAN VAN DYKE-ch7 Motion #2: Relief - filed 9/5; d/e # 17 CIT Group/Sales Financing Inc (Partee) v debtor & trustee	7-01-02723	Callahan/PR
Copeland	KELLY LANE-ch7 Motion #2: Relief - filed 9/4; d/e # 15, CIT Group/Sales Financing Inc (Partee) v debtor & trustee	7-01-02724	Wick/SJ

10:00 A. M. MISCELLANEOUS HEARINGS

Pro Se GRAYSON MOUNTAIN WATER CO. -Invol.7* 7-01-03363 Wick/PR
 Motion #1: Relief – filed 9/10
 SouthTrust Bank, N.A. (Magee) v. Debtor & Trustee
 No prehearing order—less than 20 days until hearing
 -Answer filed and Objection by original petitioning creditors by counsel, Michael Hastings, Esq.

*ord for relief in involuntary case entered 8/31 directing filing of scheds, etc in 15 days

11:00 A. M. MISCELLANEOUS HEARINGS

C.Jessee DESKINS DRYGOODS CO -ch7 7-99-03385 Callahan/MC
 Obj of Trustee to Claim #6: St.Clair Foods, Inc. d/e # 85

Leonard/
Jessee HOLSTON FURN. OF VA INC-chll 7-01-01181 DIP/VS
 Contd Status hearing **from 7/24; original ntc d/e # 8**

Copeland BOBBY VENCILL TRUCKING-chll 7-01-03813 DIP/PR
 Debtor Motion to Sell Property (1992 Freightliner Tractor) filed 9/10; d/e # 13

 Motion to shorten notice - filed 9/10; d/e # 14 (proposed order in file)

Copeland JIMMY COOPER-chll 7-99-03591 DIP/VS
 Motion of Debtor to Approve sale of two parcels of land at Claytor Lake and
 Motion to shorten Notice filed 9/12; d/e # 141

1:00 P. M. CHAPTER 13 CONFIRMATIONS

Carmody PAMELA MONK 7-01-00703 Widener/PR
Plan filed 4/23; d/e # 13 - contd fr 6/5 & 8/28
Objection: Huntington National Bank (Black/Hale) filed 5/24; d/e # 21
Trustee – d/e #27

Motion of Trustee to Dismiss, d/e # 18, contd fr 5/22 & 6/5 & 8/28
Motion of Trustee to Convert or Dismiss filed 6/19 – d/e #27 contd from 8/28

Motion #1: relief - contd from 8/15 & 8/28 d/e # 3
Liberty Savings Bank (Sasser/LAMIE) v. debtor & trustee
Debtor response filed 8/10; d/e # 36

Copeland MARK & LISA NEWMAN - Ch. 13 7-01-02121 Widener/VS
Mod Plan filed 7/13 d/e # 33 **CONTD by 8/29 ord to 9/25 ***
Objection: Conseco Finance Servicing (Chappell) filed 8/10; d/e # 43

Trustee Report, Objection and Motion to dismiss/convert filed 6/22 d/e # 22
-contd fr 7/24 for eval motons to be filed (filed & scheduled for 9/25)*

Motion for Valuation of household furnishings (Heilig-Meyers Furniture, creditor)
d/e #47

D. Harmon VIVIAN FLANERY - Ch. 13 7-01-01456 Widener/JJ
Mod Plan filed 8/8; d/e # 26, 27

Obj of Trustee & Motion to dismiss/convert contd from 7/10 & 8/15; d/e #16
(Obj of Highlands Union Bank dealt with in mod plan filed 8/8)

Hutchinson JERRY & SHARON SINGLETON-ch13 7-01-01378 Widener/AF
Mod Plan filed 8/6/01; d/e # 24, 25

Contd Motion of Trustee to dismiss/convert - contd from 7/24 to hear w/mod plan d/e#16

1:00 P. M. CHAPTER 13 CONFIRMATIONS

Largen	ELLEN DUTTON-chl3 Mod Plan filed 8/3; d/e # 28, 29	7-98-02817	Widener/NS
Lamie	DEWEY GORE-chl3 Mod Plan filed 7/26; d/e # 28, 30 Objection: Highlands Union Bank (Hutton) filed 9/17; d/e # 32 Trustee's Objection & Motion to Showcause re: dismiss/convert d/e # 23 contd from 7/12 Trustee Objection and Notice of showcause re dismissal/conversion filed 8/24; d/e # 31	7-01-01408	Widener/AF
Gifford	CHARLES & BETTY HALL-chl3 Mod Plan filed 7/16; d/e # 42, 43 Trustee Motion to dismiss/convert; d/e # 40; contd from 8/15 & 8/28 & 9/12 ; <i>(1 pmt arrears to be pd by 8/31 & conf otbt prior 9/12 Or tr. Ntc fur hrg* to parties by ltr</i>	7-99-03036	Widener/JJ
Largen	STEPHEN & REBECCA KREJCI-chl3 Mod Plan filed 8/3; d/e # 52, 53 Motion #2: Wells Fargo Home Mortgage (Sasser/White) v. debtors & trustee contd from 7/24 hearing to hear w/mod plan -ORDER dismissing M1 without prejudice entered 8/3/01	7-00-01965	Connelly/MC
Goldstein	JERRY & MILDRED YATES-CH 12 Plan filed 8/8; d/e # 16 Objection: Trustee and showcause on dismissal or conversion filed 8/29; d/e # 21 IRS (Eckert) filed 9/13; d/e # 22	7-01-2170	Widener/NS

1:00 P. M. MISCELLANEOUS HEARINGS

Lamie	RANDALL DIXON-ch13 Trustee motion to dismiss or convert filed 8/24; d/e # 63	7-99-02414	Widener/VS
Gifford	JACQUELYN LEMIEUX Trustee motion to dismiss or convert filed 8/24; d/e # 63	7-99-01040	Widener/LM
Copeland	DENNIS & JANICE KEEN-ch13 Trustee Motion to dismiss or convert (failure to make plan pmts) d/e # 48; filed 5/25 –contd fr 7/24 & 8/28 (7 pmts arrears)	7-97-02266	Widener/JJ
Cooley	JOSEPH & SHIRLEY CARROLL-0ch13 Mot of Trustee to dismiss case <u>with prejudice</u> filed 8/16 & 9/12; d/e # 18	7-01-03414	Widener/VS
Copeland	PHILLIP KNUPP-ch13 Debtor motion to sdell property : 1996 Volvo Autocar Dump Truck to David Arnold, filed 8/23; d/e # 13 Objection: Trustee filed 8/29; d/e # 16	7-01-03412	Widener/SJ

1:00 P. M. MISCELLANEOUS HEARINGS

Via	PHILIP & JENNIFER BARKER-ch13` Motion #2: Relief - filed 8/3/01; d/e # 46, 47; contd from 8/28 Bank of Tennessee (J. Lyle) v. debtors & trustee	7-96-04395	Widener/MC
Copeland	EARL & JENNIFER HILLIARD-ch13 Motion #1: Relief - Miners & Merchants Bank (Bolling) v. debtors & trustee	7-01-00340	Widener/LM
Gifford	ROBERT & MARY BREWER - Ch. 13 Motion #1: Relief First Va. Mortgage Company (Chappell) v. Debtors & Trustee – d/e #28	7-00-03244	Widener/LM
Jackson	JAMES & SABRINA BURKINS - Ch. 7 Motion #1: Relief Wells Fargo Financial Services of Va., Inc. (Fleischhauer) v. James W. Burkins & Trustee – d/e #13 Motion #2: Relief from Co-Debtor Stay Wells Fargo Financial Services of Va., Inc. (Fleischhauer) v. James W. Burkins, Sr., Co-Debtor; and Vicky Burkins, Co-Debtor – d/e #16	7-01-02143	Wick/PR
Lamie	EARNEST GOLEN-ch13 Motion #2: Relief - filed 8/31; d/e # 117, 118, 119 Associates Commercial Corp (Fleischhauer) v debtor & trustee	7-00-02339	Widener/PR

1:00 P. M. MISCELLANEOUS HEARINGS

Carmody IVEY REED-ch13 7-00-03959 Widener/MC
Motion #1: Relief - filed 7/30; d/e # 28, 29; contd from 8/15/01 & 9/12
Option One Mortgage (J.Clark) v. debtor
Debtor's response filed 8/10; d/e # 31 ; arrearages should be cured in 2 wks

Proctor JAMES & LINDA PADGETT - Ch. 13 7-01-02733 Widener/PR
Motion to Assume or Reject unexpired lease filed by Firststar Equipment
Finance Corp. – d/e #20, 23

2:00 P. M. MISCELLANEOUS HEARINGS

Farthing TIMOTHY JOHNSON-ch7 7-01-02730 Wick/PR
Motion #1: Relief - filed 8/23 without notice; deficiency ord issued; ntc filed 9/14
for 9/25 hearing (more than 30-days from filing date; less than 20 days from hearing)
Dynex Financial (Curley/Richmond) v. debtor & trustee

3:00 P. M. - TRIAL

Largen ERIK & CHRISTINE COLLIER - Ch. 7 7-00-02882 Wick
A/P No. 7-00-00266: Determine validity, priority & extent of lien
Debtors v. Jay Johnson Toyota ()
-Reserve 1 hour for trial