

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

In the Matter of:)	
)	Chapter 13
ROY BARNES)	
)	
Debtor)	Case No. 97-40055
)	
)	
ROY R. BARNES)	
)	
Plaintiff)	
)	
vs.)	
)	
)	
EASTSIDE USED CARS)	
)	
Defendant)	Adversary Proceeding No. 97-04005A

ORDER

Debtor in this case filed a Complaint For Turnover. A conference pursuant to Fed.R.Bankr.P. 7016 was held on March 6, 1997. Debtor and his counsel appeared at the hearing. No appearance was made at the hearing by Defendant. After the hearing was adjourned, Mr. Leonard Mason appeared and represented to the Court that he was unable to attend a hearing because of a family medical emergency. Mr. Mason was advised as to the earlier proceedings and the Court's intention to enter this order requiring the turnover of the vehicle. Mr. Mason said that he was personally in possession

of the vehicle as a consequence of a personal recourse obligation between him and the original secured party, Vehicle Acceptance Corporation. Mr. Mason insisted that the repossession and the continuing detention of the vehicle was a matter within his exclusive control. He requested that the Court's order requiring the return of the vehicle be subject to the requirement that the Debtor demonstrate proof of insurance with a loss payee designated as either Vehicle Acceptance Corporation or Mr. Mason individually. Mr. Mason was further informed of the fact that a trial had been scheduled in the case and that the issue of damages including attorney's fees and punitive damages arising out of the alleged violation of 11 U.S.C. § 362 was to be scheduled and heard the following month.

Now, therefore it is hereby

ORDERED that the above-said vehicle be immediately returned to the possession of the Debtor by Mr. Mason subject only to the requirement that Debtor demonstrate to Mr. Mason in advance of the return of the vehicle proof of full coverage insurance; and it is hereby further

ORDERED that all remaining issues in this case be tried before the Court on **April 15, 1997** at **2:00 p.m.**, Bankruptcy Courtroom #228, U.S. Courthouse, 125 Bull Street, Savannah, Georgia 31401.

SO ORDERED this 7th day of March, 1996.

James D. Walker, Jr.
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that the attached and foregoing have been served on the following:

Lisa G. Colbert
Charles W. Bell & Associates, P.C.
511 East York Street
Savannah, GA 31401

Eastside Used Cars
3103 Skidaway Road
Savannah, GA 31404

Mr. Leonard Mason
P. O. Box 14018
Savannah, GA 31416

Roy Barnes
220-A McAllister Street
Savannah, GA 31404

Sylvia Ford Brown
Chapter 13 Trustee
P. O. Box 10556
Savannah, GA 31412

This _____ day of March, 1997.

Cheryl L. Spilman
Deputy Clerk
United States Bankruptcy Court