

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE

SOUTHERN DISTRICT OF GEORGIA  
Augusta Division

IN RE:	)	Chapter 7 Case
	)	Number <u>88-10819</u>
THE COLONY PLACE COMPANY	)	
	)	FILED
Debtor	)	at 3 O'clock & 29 min. P.M.
		Date 9-15-89

**ORDER**

Attorney, J. Patrick Claiborne has requested permission to withdraw as counsel for the debtor, The Colony Place Company. Mr. Claiborne was retained by the former president of the debtor corporation, to represent the debtor in this court. The debtor was the subject of an involuntary Chapter 11 bankruptcy petition filed by Landor Condominium Consultants, Inc. The involuntary Chapter 11 was converted to a voluntary Chapter 7 at the request of the debtor, and Mr. Claiborne filed the necessary statements and schedules on behalf of the debtor. James D. Walker, Jr. was appointed as the Chapter 7 trustee in this case.

The voluntary Chapter 7 case created a bankruptcy estate, and the trustee's paramount duty is to conserve and advance the interests of the estate entrusted to him. 2 Collier Bankruptcy Manual ¶704.01 (L. King 3rd ed. 1989). "The estate acts only through its trustee, and the trustee is its representative in all matters affecting it." Id. The trustee has succeeded to the interests of the debtor.

By order of this court entered on September 20, 1988, the trustee retained himself as the attorney for debtor's estate. Pursuant to 11 U.S.C. §327, the trustee may retain a separate attorney to represent the estate, and §327(d) authorizes the trustee to retain himself as an attorney for the estate if such authorization is in the best interest of the estate. The court determined at

the time of entering the order retaining the trustee as the attorney for the estate that the best interest of the estate would be served by his retention. The trustee has advised Mr. Claiborne that his services to the estate are not required. Mr. Claiborne no longer has any interest in the case to represent as attorney for the debtor. The shareholders of the corporate debtor can secure independent counsel to protect their interests Mr. Caliborne was retained to represent the debtor corporation not the individual shareholders of the entity. The debtor's assets are now the responsibility of the Chapter 7 trustee, and the trustee's goal is the "speedy and efficient liquidation and distribution of assets" and is represented by counsel. 2 Collier Bankruptcy Manual ¶721.01 (L. King 3rd ed. 1989).

Therefore, for the above reasons, IT IS HEREBY ORDERED that Mr. Claiborne's motion to withdraw as counsel for the debtor in the case is granted.

JOHN S. DALIS  
UNITED STATES BANKRUPTCY JUDGE

Dated at Augusta, Georgia

this 15th day of September, 1989.