

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE
SOUTHERN DISTRICT OF GEORGIA
Brunswick Division

In the matter of:

THOMAS E. COLLINS
d/b/a Coastal Motors
(Chapter 7 Case 90-20339)

Debtor

THRIFT INDUSTRIES, INC.

Plaintiff

v.

THOMAS E. COLLINS

Defendant

Adversary Proceeding
Number 90-2024

FILED
at 12 O'clock & 09 min. PM
Date 5/24/91
MARY C. BECTON, CLERK
United States Bankruptcy Court
Savannah, Georgia *pcB*

SUPPLEMENTAL ORDER

On November 7, 1990, a hearing was held upon a Complaint to Determine Dischargeability of a certain business related debt. By Order of February 12, 1991, I determined that the portion of the debt which constitutes proceeds from the sale of vehicles which actually came into the Debtor's possession but which were not turned over to the

Movant, Thrift Industries, Inc. ("Thrift") were converted and therefore non-dischargeable as arising from a "willful and malicious injury" within the meaning of 11 U.S.C. Section 523(a)(6). I further determined that the portion of the Debtor's obligation to Thrift which constituted accumulated fees on cars held over 35 days, or which arose from uncollectible bad debts was a dischargeable unsecured debt. The record was unclear as to what portion of the total \$46,265.00 debt constituted proceeds from the sale of vehicles which actually came into the Debtor's possession but were not turned over to Thrift. I therefore ordered the parties to conduct further discovery and file a stipulation as to the exact nature of the debt at issue.

Accordingly, on May 16, 1991, the parties filed a Stipulation with this Court which set forth the following:

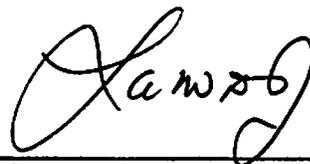
IT IS HEREBY STIPULATED AND AGREED that after an examination of the available books and records of the Debtor, receipts were produced indicating that the Debtor had actually received \$11,876.00, and that the ledger cards for the accounts receivable of eighteen vehicles could not be located, but that after giving credit to those accounts for binders received, the Debtor should have received an additional \$10,564.00, then the total of the debt which is deemed to be non-dischargeable is \$22,440.00.

Accordingly, I find based upon the evidence adduced at the hearing of November 7, 1990, the briefs and other documentation produced by the parties, together with applicable authorities cited in my February 12, 1991, Order, and the parties' stipulations submitted on May 16, 1991, that the debt due Thrift is non-dischargeable in

the amount of \$22,440.00, with the remaining \$23,825.00 dischargeable.

ORDER

Pursuant to the foregoing Supplemental Order, IT IS THE ORDER OF THIS COURT that the debt due Thrift Industries, Inc., shall be non-dischargeable in the amount of \$22,440.00 with the remaining \$23,825.00 discharged.



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 20 day of May, 1991.

United States Bankruptcy Court

For the Southern District of Georgia

In the matter of:

THRIFT INDUSTRIES, INC.

Plaintiff

v.

THOMAS E. COLLINS

Defendant

Adversary Proceeding
Number 90-2024

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J U D G M E N T

This proceeding having come on for trial or hearing before the court, the Honorable Lamar W. Davis, Jr., United States Bankruptcy Judge, presiding, and the issues having been duly tried or heard and a decision having been rendered,

IT IS ORDERED AND ADJUDGED:

That the Plaintiff, THRIFT INDUSTRIES, INC., shall recover of the Defendant, THOMAS E. COLLINS, the principal sum of *Twenty-Two Thousand Four Hundred Forty Dollars and 00/100 Cents (\$22,440.00)*, together with interest at the rate of 6.07% per annum from date until paid in full.



[Seal of the U.S. Bankruptcy Court]

Date of issuance: May 24, 1991

MARY C. BECTON

Clerk of Bankruptcy Court

By: *Patsy C. Burkhalter*
Deputy Clerk