

In the United States Bankruptcy Court
for the

Southern District of Georgia
Savannah Division

FILED

at 3 O'clock & 53 min. P.M.

Date 6/6/94

MARY C. BECTON, CLERK
United States Bankruptcy Court
Savannah, Georgia JB

In the matter of:)
KEY AIRLINES, INC.)
Debtor)

Chapter 7 Case

Number 93-40226

**ORDER ON MOTION OF TOWER INTERNATIONAL, INC.
FOR REHEARING AND/OR RECONSIDERATION**

On March 10, 1994, this Court entered an Order requiring payment by Tower International, Inc., ("Tower") of certain expenses of Key Airlines, Inc. In conclusion that Order required Tower to remit \$21,250.00 to the Chapter 7 Trustee. On March 21, 1994, Tower filed its Motion to Rehearing and/or Reconsideration reciting that it had additional evidence to offer the Court as to a portion of the monies for which turnover was ordered. That Motion also recited that on or about March 9, 1994, Tower paid to the Chapter 7 Trustee the amount of \$8,750.00, the amount not in dispute. By letter dated May 27, 1994, the Trustee, A. Stephenson Wallace, acknowledged receipt of that sum of money and objected to reconsideration, asserting that the evidence offered in support of the Motion for Rehearing was available to Tower at the original hearing and should not be considered. After considering the affidavit of Timothy Howe executed on March 21, 1994, together with the attached

correspondence, I am persuaded that a sufficient showing has been made that the \$12,500.00 in issue which was paid by Mr. Howe into the account of Key Airlines was, in fact, money belonging to Tower International and was paid upon Tower's instructions.

Accordingly, the Motion for Rehearing is granted so as to delete from the terms of the Order dated on March 10, 1994, the requirement that "Tower International remit instanter the sum of \$21,250.00 to the Chapter 7 Trustee" and to amend the same so as to require that "Tower International, Inc., remit, instanter, the sum of \$8,750.00 to the Chapter 7 Trustee." It further appearing that the Trustee has acknowledged that that payment has previously been received by the Trustee, this Order will further serve to clarify that the payment required in that Order as amended has been made and that there is no further obligation of Tower to Key arising out of the terms of the March 10, 1994, Order.



Lamar W. Davis, Jr.
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 6th day of June, 1994.