

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA



IN RE:

THOMAS M. SCHOTTS and ERIN P.
SCHOTTS,

Debtors.

Case No. 03-03374-M
Chapter 7

STEVEN W. SOULÉ, Trustee,

Plaintiff,

v.

ARJAYESS, INC., and RICHARD
SCHOTTS,

Defendants.

Adv. Proc. No. 04-1032-M

JUDGMENT

THIS MATTER comes before the Court pursuant to the Trustee's Motion for Summary Judgment and Brief in Support filed June 21, 2004, by Steven W. Soulé, plaintiff herein. Arjayess, Inc., and Richard Schotts, defendants herein, have failed to oppose the Motion. The issues having been duly considered and a decision having been duly rendered, for the reasons set forth in the Memorandum Opinion filed concurrently herewith,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Steven W. Soulé, plaintiff herein, be, and the same hereby is, granted in part.

IT IS FURTHER ORDERED that the liens held by Defendants Arjayess, Inc., and/or Richard Schotts on the following described property:

One (1) 2000 Tracker Nitro 929 BT, S/N BUJ535328000 and One (1) 2000 Mercury 225L EFI S/N OT136327 (hereafter referred to as the "Boat and Motor")

be, and the same hereby is, avoided.

IT IS FURTHER ORDERED that Defendants Arjayess, Inc., and Richard Schotts shall immediately surrender the Boat and Motor to Steven W. Soulé, plaintiff herein.

IT IS FURTHER ORDERED that a hearing shall be held on the issue of damages to be awarded to Steven W. Soulé under 11 U.S.C. § 362(h) on the 9th day of September, 2004, at 9:15 a.m. in Courtroom No. 2, the Federal Building, 224 South Boulder Avenue, Tulsa, Oklahoma. The Court will allocate one-half day for said hearing.

IT IS FURTHER ORDERED that the parties shall be prepared to submit whatever evidence they deem necessary for the Court's full consideration and determination of the matter. N.D. Bankr.L.R. 9017 applies to these proceedings.

IT IS FURTHER ORDERED that the above-referenced hearing may be continued from time to time without further notice other than an announcement of the continued date at the originally scheduled time.

Dated this 30th day of July, 2004.

BY THE COURT:



TERRENCE L. MICHAEL, CHIEF JUDGE
UNITED STATES BANKRUPTCY COURT

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2004, I mailed by first-class United States mail a true and correct copy of the foregoing Judgment to the parties listed below:

Ronald E. Fry
2431 East 51st Street, Suite 400
Tulsa, OK 74105

William E. Gaddis
2431 East 51st Street, Suite 400
Tulsa, OK 74105

A handwritten signature in cursive script, reading "Jeffrey Johnson", is written over a horizontal line.

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