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MICHAEL L. WILLIAMS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

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

IN RE:)	
)	
CLARK MOTORCARS, INC.)	Case No. 99-03806-TRC
)	(Chapter 7)
Debtor,)	
_____)	
)	
Scott P. Kirtley, Trustee,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Bank of America, N.A., p/d/b/a)	
Nationsbank,)	Adversary No. 01-376-TRC
)	
Defendant.)	

ORDER GRANTING SUMMARY JUDGMENT

There came on for consideration before the Honorable Tom R. Cornish, United States Bankruptcy Judge, the Motion for Summary Judgment and Brief in Support (the "Motion") of Bank of America, N.A., p/d/b/a NationsBank ("Bank of America"), filed June 17, 2002. The Court, upon reviewing the Motion, and in the absence of an objection thereto, finds:

1. This Court has jurisdiction over the parties and subject of this core proceeding pursuant to 28 U.S.C. § 1334 and 157(b)(2).
2. The pleadings filed in this adversary proceeding reveal that there is no genuine issue as to any material fact. The undisputed facts reflect that (i) the transaction between the Debtor and Bank of America, which is the subject of this case, does not meet all the elements of 11 U.S.C. § 547(b), and (ii) this case falls within one or more of the exceptions set forth in 11 U.S.C. § 547(c). Bank of America is entitled to summary judgment as a matter of law.

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Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

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IT IS THEREFORE ORDERED that (i) summary judgment be and is hereby entered in favor of Bank of America, (ii) the Trustee shall and does recover nothing in this adversary proceeding, (iii) the subject transaction is not subject to avoidance as a preference, and (iv) the parties to this proceeding shall each pay their own attorney fees and expenses.

ENTERED this 22nd day of July, 2002.



Tom R. Cornish
United States Bankruptcy Judge

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