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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BOOK 8848 PAGE 60

IN RE:

GEORGE W. HOLDER, JR.,

Debtor.

WILLIAM LAMAR NEWPORT,
Chapter 11 Trustee,

Plaintiff,

v.

MARY EVELYN HOLDER, et al,

Defendants.

No. 91-07135-GP3-11
CHAPTER 11
JUDGE PAINE

Adv. Proc. No. 392-0165A

UNITED STATES BANKRUPTCY COURT SEAL
Attest
A True Copy
Certified this 1-8-93
U.S. Bankruptcy Court
By N. Tweedy
Deputy Clerk

WILLIAM LAMAR NEWPORT,
Chapter 11 Trustee,

Plaintiff,

v.

MARY EVELYN HOLDER, AMERICA SINGS, INC., and SCN, LTD.,

Defendants.

Adv. Proc. No. 392-0328A
(Consolidated)

SUMMARY JUDGMENT AGAINST MARY EVELYN HOLDER AND GEORGE W. HOLDER, JR.

This matter was heard on December 8, 1992 upon the motion of William Lamar Newport, Chapter 11 Trustee and Plaintiff in the above-styled consolidated adversary

CERTIFICATE OF SERVICE
I hereby certify that a copy of the document on which this stamp appears was mailed first class to all parties as indicated on routing stamp as required by the Bankruptcy Code and Rules.
DEC 29 1992
R. JOHNSON, Deputy Clerk

proceedings, for Summary Judgment. Upon consideration of the pleadings in this matter, all exhibits, argument of counsel, and the entire record herein, the Court makes the findings of facts and the conclusions of law set forth in the accompanying memorandum of Findings of Fact and Conclusions of Law filed contemporaneously herewith and hereby ORDERS as follows:

1. The Trustee's Motion for Summary Judgment against defendants Mary Evelyn Holder and George W. Holder, Jr. is GRANTED. Accordingly, the purchases by Mary Evelyn Holder of (a) the Wayside Court Property, (b) the 40th Avenue Property, (c) the Ronnie Road Property (all more fully described in Exhibits 1, 2 and 3, respectively, and incorporated herein by reference), (d) the 25% partnership interest in Hot Hits Compact Disc Partnership, and (e) the Ocean Alexander Boat, Coast Guard Official Number 900579, are fraudulent transfers pursuant to 11 U.S.C. § 548 and are avoided under that Bankruptcy Code section. Further, titles to these assets are vested in and declared to be assets of the bankruptcy estate to be administered in the further course of the estate of George W. Holder, Jr., Case No. 91-07135-GP3-11.

2. The purchase of a 50% interest in Eagle Packaging Company, Inc., in the name of Mary Evelyn Holder is an unauthorized transfer of the Debtor's funds under 11 U.S.C. § 549 and hereby is avoided. Mary Evelyn's 50% stock interest in Eagle Packaging Company, Inc. is declared to be an asset of the bankruptcy estate in this case to be administered in the further course of the estate.

3. Judgment hereby is entered against Mary Evelyn Holder in the amount of $119,798.97, which reflects the minimum amount undisputedly received by Mary Evelyn Holder from Hot Hits Compact Disc Partnership since the petition date.

IT IS SO ORDERED this 28 day of December, 1992.

GEORGE C. PAINE, II
United States Bankruptcy Court

APPROVED FOR ENTRY:

Randal S. Mashburn
Tracey Coleman
HEISKELL, DONELSON, BEARMAN,
ADAMS, WILLIAMS & KIRSCH
A Professional Corporation
511 Union Street, Suite 600
Nashville, Tennessee 37219
(615) 256-0815

Attorneys for William Lamar Newport,
Chapter 11 Trustee

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN
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Debtor(s) Mary Evelyn Holder, is ordered to pay the sum of $119,798.97 to the Trustee pursuant to 11 U.S.C. § 549 and hereby is awarded judgment in that amount.

MAIL TO:

- ____ All creditors and/or parties in interest
- ✓ Debtor(s)
- ✓ Attorney for debtor(s)
- ____ Trustee
- ____ Attorney for trustee
- ✓ Attorney for movant
- ✓ Attorney for debtor's spendent
- ____ All parties listed on back of order
- ____ All parties listed in certificate of service
- ____ As listed in order
- ____ Debtor's employer
- ✓ U.S. Trustee

ALL MAILING TO BE DONE BY:
(NOTE: send copy of routing slip)

INTERNAL ROUTING:

- ____ Chief Deputy Clerk
- ____ Courtroom Deputy
- ____ Calendar Clerk
- ____ Conversion Clerk
- ____ Financial Clerk
- ✓ Judgment Book
- ____ Discharge Clerk

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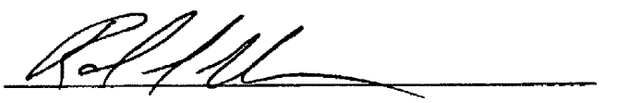
____ attorney for debtor
____ attorney for movant
____ trustee/attorney for trustee
____ Other: _____

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Summary Judgment has been forwarded to Diane E. Gatchell, Esq., attorney for SCN, Ltd., Coolsprings Executive Center, 1749 Mallory Lane, Suite 340-B, Brentwood, Tennessee 37027; Joseph P. Rusnak, attorney for Mary Evelyn Holder, Tune, Entrekin & White, 21st Floor, First American Center, Nashville, Tennessee 37238; Paul Jennings, Jr., Bass, Berry & Sims, 2700 First American Center, Nashville, Tennessee, 37238; Steven L. Lefkovitz, Esq., 530 Church Street, Suite 202, Nashville, Tennessee 37219; Thomas T. Pennington, Esq., attorney for Vaden E. Lackey, Jr., Stokes & Bartholomew, Suite 2800, Third National Financial Center, 424 Church Street, Nashville, Tennessee 37219; and to the U.S. Trustee, 318 U.S. Customs House, 701 Broadway, Nashville, Tennessee 37203, this 22nd day of December, 1992.



Trustee

Exhibit 1

Wayside Court Property

Tract I:

Land in Davidson County, Tennessee, being the southerly part of Lot No. 1006 on the Plan of West Meade Farms, Section 15, as of record in Book 2663, pages 54 and 55, Register's Office for said County.

Beginning at a point in the easterly margin of Wayside Court, at the southwest corner of the property conveyed to E. L. Woodside and wife, by deed from West Meade Farms, Inc., as of record in Book 3218, page 307, said Register's Office; thence along Woodside's southerly line, easterly 633 feet, more or less, to a point; thence south 6° 08' East 234.8 feet to a point; thence south 23° 54' west 349 feet to a point; thence south 23° 06' west 137.8 feet to a corner of Lot No. 1004 on said plan; thence with the line between Lots 1004 and 1006, northwesterly 330.1 feet to a point in the easterly margin of Wayside Court Turnaround; thence with the margin of the same, northwesterly 55.2 feet to a point at the beginning of a curve; thence around said curve, northerly 24.9 feet to a point in the easterly margin of Wayside Court; thence with the margin of the same, around a slight curve 169.8 feet to the point of beginning.

Tract II:

Being a portion of Lot #879 on the plan of West Meade Farms, Inc., Section 11, as of record in Book 2331, page 102, and as shown on the plat of resubdivision of Lots 1006 (Section 5) and 879 (Section 11) of West Meade Farms, Inc., which was approved by the Metropolitan Planning Commission on July 21, 1971, and recorded in Book 4300, page 110, Register's Office for said County.

Beginning at an iron pin lying on the easterly property line of lot number 1006 on the plan of West Meade Farms, Inc., as of record in Book 2663, page 54, R.O.D.C., Tennessee; said iron pin further described as being the common rear corner of lots 879 and 878 on the plan of West Meade Farms, Inc. as of record in Book 2331, page 102, R.O.D.C., Tennessee; thence leaving the easterly line of said lot 1006, and running with the northerly line of said lot 879 S 52° 47' 54" E a distance of 95.0 feet to a point; thence leaving the said northerly line of said lot 879 S 23° 45' 37" W a distance of 167.18 feet to a point lying on the southerly line of said lot #879; thence running with the said southerly line of lot 879 N 53° 55' 16" W a distance of 95.0 feet to a point lying on the easterly property line of said lot 1006, said point further described as being the common rear corner between said lots 879 and 880; thence leaving the southerly line of said lot 879 and running with the common line between said lots 879 and 1006 N 23° 54' E a distance of 169.0 feet to the point of beginning.

This property is also now described as Lot Nos. 1 and 2 on the Final Plat of Outland Subdivision of record in Book 6900, page 699, said Register's Office, the survey of which was prepared by Wamble & Associates, 733 Old Hickory Blvd., Brentwood, Tennessee 37027, License No. 1136.

Lot 1 is improved property and Lot 2 is unimproved property, both located at 400 Wayside Court, Nashville, Tennessee.

Exhibit 2

BOOK 8848 PAGE 66

40th Avenue North Property

Being Lot No. 14 in the Subdivision of Lot Nos. 25 and 26 of the County Lands, as of record in Book 161, page 169, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description.

Exhibit 3 BOOK 8848 PAGE 67

Ronnie Road Property

Land in Davidson County, State of Tennessee, described as follows:

Lot 101 on the Plan of Primrose Acres, as of record in Book 2663, page 107, Register's Office for Davidson County, Tennessee. Said Lot 101 fronts 103 feet on the easterly side of Ronnie Road and extends back 233.6 feet on the northerly line and 299.85 feet on the southerly line, which is a broken line, to a broken line in the rear measuring 265 feet thereon.

This is improved property, known at 914 Ronnie Road, Nashville, Tennessee.

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IDENTIFI REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

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