INTAKE BINDER

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

CRAIG A. SMITH and CHARLOTTE A. SMITH, B95-22760
Chapter 7

Debtor.

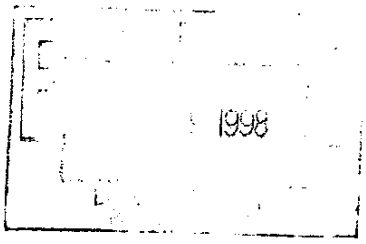
DECISION

Upon the motion of the trustee Douglas J. Lustig, Esq., requesting an order directing the Debtor Charlotte A. Smith to turnover to him as trustee a certain 1994 Oldsmobile Automobile to be administered as property of the estate, and a hearing upon said motion having been had on October 2, 1998 and the trustee having appeared by his counsel David Ealy, Esq., in favor of the motion and Louis A. Ryen, Esq., having appeared in opposition to the motion and the Debtor Charlotte A. Smith and her daughter Theresa Smith having appeared and given testimony, and after due consideration of all of the premises herein it is therefore

ORDERED, **DECIDED**, and **DECREED** that the trustee's motion is hereby denied.

Dated: 10/9/98

John C. Ninfo, II
United States Bankruptcy Judge



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