

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re

James A. Stutzman
Angela M. Stutzman

Case No. 03-17492 K

Debtors

This writer agrees with his colleague that the District Court decision in *In re Teufel* (copy attached) binds each of us. See *In re Trautman*, 296 B.R. 651 (Bankr. W.D.N.Y. 2003) (Bucki, J.). Although *Teufel* involved reciprocal policies, the District Court's holding was not limited to such a fact pattern. This writer concludes that the Bankruptcy Court is bound by *Teufel* to conclude that even if there is only one policy, its value may be realized for the benefit of the creditors of the beneficiary in a joint bankruptcy case in which the beneficiary does not own the policy.

This writer expresses no opinion as to what the ruling might be if this Court were not constrained by *In re Teufel*.

The Trustee's Motion is granted.

SO ORDERED.

Dated: Buffalo, New York
April 7, 2004

U.S.B.J.