

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

ANNIE MARIE C. RHEA,

Debtor.

BK #91-30327-WHB
Chapter 11

ANNIE MARIE C. RHEA,

Plaintiff,

v.

Adversary Proceeding
No. 91-0778

FARM CREDIT SERVICES OF
AMERICA, ACA,

Defendant.

FINAL ORDER ON COMPLAINT

On December 10, 1992, this Court entered a Memorandum Opinion and Order on the complaint to determine validity, extent and priority of the claims of Farm Credit Services of Mid America, ACA, ("FCS") against the bankruptcy estate, which order was not intended by the Court to be a final order, and the Court stated that it would not enter a judgment until a final order was entered on all issues. The Court has conducted subsequent hearings concerning remaining issues, which were set for trial on March 11, 1993. At that time, counsel for the debtor and FCS entered into a written stipulation on the value of the cotton gin, including land and equipment, agreeing that the said value was \$100,000.00.

Therefore, consistent with the Court's December 10, 1992 opinion and order, FCS has a first mortgage lien on the land and cotton gin, including the cotton gin equipment that constitutes a fixture, which lien is an allowed secured claim to the extent of its debt not exceeding \$100,000.00 in value and unsecured claim for any balance of the debt over and above the \$100,000.00 value.

At the March 11, 1993, hearing, counsel for the parties announced that no other issues were remaining for determination by this Court, and the Court may now enter a final order.

IT IS THEREFORE ORDERED that this final order shall be entered allowing the secured claim of Farm Credit Services of Mid America, ACA, in an amount not exceeding the collateral value of \$100,000.00, which claim is secured by the land and cotton gin located on the 1.4 acre tract of land described in the Court's December 10, 1992, opinion and order. The balance of Farm Credit Services claim, over and above the \$100,000.00 collateral value, is allowed as unsecured.

This order is intended by the Court to be a final order subject to appeal pursuant to Part 8 of the Federal Rules of Bankruptcy Procedure. Should the parties wish to pursue an appeal, they should amend their designations of items to be included in the record of appeal and statements of issues on appeal within ten days from the entry of this order and should advise the clerk of this court whether they wish the clerk to transmit the previously filed notice of appeal¹ and the designations to the clerk of the United States District Court.

SO ORDERED this 5th day of March, 1993.

WILLIAM HOUSTON BROWN
UNITED STATES BANKRUPTCY JUDGE

cc:

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¹ See Fed. R. Bankr. Proc. 8002(a).

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