

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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IN RE:

TENN-FLA PARTNERS,  
a Tennessee General Partnership,

Case No. 92-27624-WHB  
Chapter 11

Debtor.

FIRST UNION NATIONAL BANK OF FLORIDA,  
AS TRUSTEE,

Plaintiff,

vs.

Adv. Proc. No. 94-0201

TENN-FLA PARTNERS,

Defendant.

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**ORDER REVOKING ORDER OF CONFIRMATION**

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Based upon the findings of fact and conclusions of law contained in the court's memorandum opinion of this same date, which opinion is incorporated into this order by reference, and the court having found that the debtor procured its order of confirmation by fraud, pursuant to 11 U.S.C. §1144, the court does revoke the order of confirmation and the concomitant discharge resulting therefrom.

As described in the court's memorandum opinion, counsel for First Union National Bank of Florida, as trustee for the bondholders, shall promptly prepare, file and serve affidavits, with appropriate supporting time and expense records, of the professional fees and expenses incurred by First Union as bond trustee after the confirmation hearing and continuing until the date of

submission of the affidavits. The debtor, the United States Trustee, or other parties in interest may move within ten (10) days of filing of those affidavits for a hearing by filing an objection to said requested fees or expenses. Absent a timely objection, First Union's counsel shall promptly prepare and submit a proposed order allowing a judgment for its requested professional fees and expenses. Other than a judgment for these professional fees and expenses, the additional monetary damages, including punitive damages, sought by First Union are denied.

Further, the court having revoked the order of confirmation, the bondholders' lien shall attach to all sale proceeds and the escrow agent is directed to pay the balance of the escrowed funds to First Union as trustee for the bondholders. The constructive trust sought by First Union is denied as being unnecessary.

Upon entry of this order the clerk shall promptly give combined notice of this order and the order of conversion of this chapter 11 case to one under chapter 7 to all creditors and other parties in interest in the manner provided in FED. R. BANKR. P. 2002. This notice of the revocation of the order of confirmation and of the discharge may be further combined with official form 9.

**IT IS SO ORDERED** this 4<sup>th</sup> day of August, 1994.

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WILLIAM HOUSTON BROWN  
UNITED STATES BANKRUPTCY JUDGE

cc:

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