

ORIGINAL

COLON, RAFAEL

Case No. 01-17070-9P7

FILED VIA MAIL

AUG 9 '02

CLERK, U.S. BANKRUPTCY COURT, TAMPA, FLORIDA

020000

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION

In the Matter of:

RAFAEL COLON

CASE No. 01-17070-9P7

Debtor /

AMENDED MOTION FOR APPROVAL OF STIPULATION RE: TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTION AND AMENDMENTS THERETO (IF ANY)

Comes now Diane L. Jensen as Trustee in Bankruptcy of the above captioned matter, by and through her undersigned counsel, and she does hereby move unto this Honorable Court for approval of Stipulation Re: Trustee's Objection to Claim of Exemption and Amendments Thereto (if any), a copy of which is attached hereto, and as grounds therefor would state that she believes it would be in the best interest of the bankruptcy estate for the Stipulation to be approved and said Stipulation is not a compromise.

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this Motion and Stipulation without further notice or hearing unless a party in interest files an objection within 20 days from the date of service of this notice. If you object to the relief requested in this notice, you must file your objection with the Clerk of the Court at United States Bankruptcy Court, 801 N. Florida Avenue, Suite 727, Tampa, FL 33602-3899, and serve a copy on the movant's attorney, DIANE L. JENSEN, P. O. Drawer 1507, Fort Myers, FL 33902-1507, and a copy on SARA KISTLER, Assistant U. S. Trustee, 501 E. Polk Street, Suite 1200, Tampa, FL 33634.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the notice, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

WHEREFORE, Movant prays that the stipulation be approved and the Debtor be directed to comply with the terms stated therein.

I hereby certify that a true and correct copy of the above and foregoing has been furnished by regular U.S. Mail to SARA KISTLER, Assistant U.S. Trustee, 501 E. Polk Street, Suite 1200, Tampa, FL 33602, RAFAEL COLON, 1116 Hunter Bow Circle, Nashville, TN 37211, and JEFFREY W. LEASURE, Post Office Box 061169, Fort Myers, FL 33906-1169, on this 8th day of August, 2002.

PAVESE, HAVERFIELD, DALTON,
HARRISON & JENSEN, L.L.P.
Attorneys for Trustee
Post Office Drawer 1507
Fort Myers, Florida 33902
(239) 336-6263
(239) 332-2243 - fax

Forwarded to the Bankruptcy Noticing Center

(BNC) for mailing on AUG 12 2002

by BD

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By: [Signature]
Diane L. Jensen
Florida Bar #: 153607

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Page 1 of 3

FPSC-COMMISSION CLERK

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, FORT MYERS DIVISION

In the Matter of:

RAFAEL COLON

CASE No. 01-17070-9P7

Debtor /

**STIPULATION RE: TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTION
AND AMENDMENTS THERETO (IF ANY)**

Come now Diane L. Jensen, Trustee in Bankruptcy of the above captioned case, and RAFAEL COLON, by and through their undersigned counsel, and they do hereby stipulate as follows:

1. Trustee filed an Objection to Claim of Exemption under Section 522, and this Stipulation is intended to resolve Trustee's original Objection and amendments thereto, if any, filed prior to the date of this Stipulation..

2. The Trustee and the Debtor have reached an agreement wherein the Debtor will be permitted to repurchase his excess non-exempt personal property as described in the Trustee's Objection to Claim of Exemption for a total purchase price of \$9,069.56, payable at \$906.96 per month, beginning July 19, 2002 with subsequent payments being due on the 19th day of each month thereafter until the entire balance has been paid in full. Said payments are to be made payable to DIANE L. JENSEN, TRUSTEE, and sent to P. O. Drawer 1507, Fort Myers, FL 33902.

3. The above described Stipulation is subject to Notice being sent to all creditors, and no objections being filed or higher bids being submitted. In the event a higher bid is received, Trustee shall notify the Debtor and arrange an auction. Further, in the event the Debtor is not the high bidder, for any property being repurchased at private sale, Debtor will receive a refund of any funds paid for said property.


4. To the extent this Stipulation includes any vehicles, the Debtor shall provide proof of insurance to the Trustee with the first payment due hereunder, and further, Debtor acknowledges that the Trustee has a security interest in the vehicles to the extent of the entire repurchase amount and will agree, if requested, to execute a Notice of Lien to perfect Trustee's security interest therein, and will agree to pay any lien fees. This Stipulation shall also constitute a security agreement in any and all assets being repurchased to the extent of the amount of the Stipulation. In addition to providing Trustee with Proof of Insurance, the Debtor also agrees to surrender the original Certificate of Title of any and all unliened vehicles to the Trustee, which Certificate of Title the Trustee shall hold until all sums are paid in full. Debtor will also provide notice to his insurance company of the lien of the Trustee and shall have Trustee listed as loss

payee on any applicable policy, which shall also provide that the Trustee be notified of any cancellation of insurance. Failure to maintain insurance shall constitute a default of the Stipulation.

DATED this 16 day of July, 2002.

PAVESE, HAVERFIELD, DALTON,
HARRISON & JENSEN, L.L.P.
Attorneys for Trustee
Post Office Drawer 1507
Fort Myers, Florida 33902
(239) 339-2293
(239) 332-2243 - fax

By:


Diane L. Jensen
Florida Bar No. 153607

File No. 69901.212

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LEASURE & HEIDKAMP
Attorney for Debtors
Post Office Box 061169
Fort Myers, FL 33906-1169
(239) 275-7797

By:


JEFFREY W. LEASURE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to the Bankruptcy Noticing Center (BNC) on August 12, 2002 for service by U S. Mail to the parties listed below:

by: Deanna
Deputy Clerk

Service list:

Debtor: COLON, RAFAEL, 1116 HUNTER BOW CIRCLE, NASHVILLE, TN 37211
Debtor's Atty: JEFFREY W LEASURE, PO BOX 61169, FORT MYERS, FL 33906-1169
Chapter 7 Trustee: DIANE L. JENSEN, P.O. DRAWER 1507, FORT MYERS, FL 33902
UNITED STATES TRUSTEE, TIMBERLAKE ANNEX, #1200, 501 E. POLK ST., TAMPA, FL 33602
All Creditors & Parties of Interest

WED-32516 113A-8 #03 01-17070-9P7
U.S. BANKRUPTCY COURT
801 N. FLORIDA AVE.
TAMPA, FL 33602-3899

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2540 SHUMARD OAK BLVD.
TALLAHASSEE, FL 32399