

**U.S. BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**Honorable Frank W. Volk
Thursday, August 18, 2016**

Current as of 8/11/2016 at 3:55 PM

**Robert C. Byrd U. S. Courthouse
Magistrate Courtroom**

**Magistrate Courtroom
2nd Floor Robert C. Byrd U.S. Courthouse
Beckley, WV 25801**

10:00 AM **5:16-bk-50160** Carla Ann Lynch

Ch 13

Trustee: Morris

Moving: Helen M. Morris

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: [\[15\] Trustee's Motion to Dismiss Case for Failure to Obtain Pre-Petition Credit Counseling Certificate.](#)

10:00 AM **1:16-bk-10062** John Albert Taxley

Ch 13

Trustee: Morris

Confirmation Hearings

Moving: John Albert Taxley

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: [\[26\] Motion by Trustee Helen M. Morris to Dismiss Case for Failure to Comply with the Court's Notice of Conditional Dismissal for Failure to File Plan.](#)

10:00 AM **5:16-bk-50141** Travis Leon Cline

Ch 13

Trustee: Morris

Confirmation Hearings

Moving: Colten L Fleu

Opposing:

Debtor or Plaintiff Attorney: Colten L Fleu

Matter: [1. Confirmation Hearing Re: \[20\] Debtor's Chapter 13 Plan, with Motion to Value Secured Property \(2014 Kia Optima\) of Wells Fargo Dealer Services, \[32\] Objection by Creditor Wells Fargo Bank, N.A. d/b/a Wells Fargo Dealer Services.](#)

[2. \[26\] Objection filed by Trustee Helen M. Morris to Exemptions Claimed by Debtor\(s\).](#)

10:00 AM **1:15-bk-10075** Robert Louis Manns
Ch 13
Trustee: Morris

Confirmation Hearings

Moving: P. Michael Magann

Opposing:

Debtor or Plaintiff Attorney: P. Michael Magann

Matter: **Confirmation Hearing Re: [5] Debtor's Chapter 13 Plan; [19] Objection thereto, filed by WVSTDR.**

10:00 AM **5:16-bk-50014** Alan Wayne Young
Ch 13
Trustee: Morris

Confirmation Hearings

Moving: William R. Wooton

Opposing:

Debtor or Plaintiff Attorney: William R. Wooton

Matter: **1. Confirmation Hearing Re: [7] Chapter 13 Plan filed by Debtor Alan Wayne Young; [29] Trustee's Objection thereto.**
2. [21] Motion to Dismiss Case filed by Trustee Helen M. Morris.

10:00 AM **5:16-bk-50115** Phillip Martin Browning, Jr. and
Ch 13 Leslie Ann Browning
Trustee: Morris

Confirmation Hearings

Moving: William R. Wooton

Opposing:

Debtor or Plaintiff Attorney: William R. Wooton

Matter: **Confirmation Hearing Re: [9] Debtors' Chapter 13 Plan; [19] Objection thereto, filed by WVSDTR.**

10:00 AM **2:15-bk-20353** Richard Lee Boyd
Ch 13
Trustee: Morris

Moving: Paul W. Roop II

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **1. Continued Confirmation Hearing Re: [67] Debtor's Chapter 13 Plan, [102] Trustee's response thereto.**

2. Preliminary Hearing Re: [98] - Motion by Creditor Harley-Davidson Credit Corp. to Lift Automatic Stay or in the Alternative Adequate Protection upon 2013 Harley-Davidson FLTRXSE2 CVO, and [102] Response Filed by Trustee Helen M. Morris.

10:00 AM **5:15-bk-50096** Steven Calvin Gration and
Ch 13 Kimberly Darlene Gration
Trustee: Morris

Moving:

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: [\[43\] Trustee's Motion to Dismiss Case.](#)

10:00 AM **5:13-bk-50129** JoHanna NMI Stover
Ch 13
Trustee: Morris

Moving: Helen M. Morris

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: [\[80\] Trustee's Motion to Dismiss Case.](#)

10:00 AM **5:15-bk-50074** Denny Thomas Lilly and
Ch 13 Tamara Susan Lilly
Trustee: Morris

Confirmation Hearings

Moving: Lynn B. Pollard

Opposing:

Debtor or Plaintiff Attorney: Lynn B. Pollard

Matter: [1. Continued Confirmation Hearing Re: \[102\] Request by Trustee Helen M. Morris for Continued Confirmation Hearing Re: \[18\] Chapter 13 Plan filed by Debtor Denny Thomas Lilly, Joint Debtor Tamara Susan Lilly.](#)

[2. \[105\] Renewed Motion filed by Debtor Denny Thomas Lilly, Joint Debtor Tamara Susan Lilly for Continuance of Moratorium of Original Plan Payment Allowing Reduced Plan Payment, \[112\] Objection filed by Trustee Helen M. Morris.](#)

10:00 AM **2:15-bk-20257** Edward Eugene Backus and
Ch 13 Felicia Michelle Backus
Trustee: Morris

Moving: Lynn B. Pollard

Opposing:

Debtor or Plaintiff Attorney: Lynn B. Pollard

Matter: [\[46\] Debtors' Motion for Hardship Discharge Prior to Completion of Plan Payments; \[49\] Trustee's Response thereto.](#)

10:00 AM **5:16-bk-50056** Shawnory Craig Mann and
Ch 13 Faye Ellen Mann
Trustee: Morris

Confirmation Hearings

Moving: Virginia A Lemon

Opposing:

Debtor or Plaintiff Attorney: Virginia A Lemon

Matter: [Confirmation Hearing Re: \[16\] Amended Chapter 13 Plan.](#)

10:00 AM **5:15-bk-50100** Donald Warren Osborne and
Ch 12 Cathy Denise Osborne
Trustee: Morris

Moving: George L. Lemon

Opposing:

Debtor or Plaintiff Attorney: George L. Lemon

Matter: **Confirmation Hearing Re: [64] Debtors' Amended Chapter 12 Plan and [114] Objection by Creditor Premier Bank, Inc..**

10:00 AM **5:08-bk-50183** John David Sams and
Ch 13 Susan Lynn Sams
Trustee: Morris

Moving: Helen M. Morris

Opposing:

Debtor or Plaintiff Attorney: George L. Lemon

Matter: **1. Continued Status Hearing Re: [560] Notice Filed by Trustee Helen M. Morris Re: [528] Order Confirming Plan.**
2. [585] Objection by Debtor John David Sams, Joint Debtor Susan Lynn Sams Re: [583] Notice filed by Creditor US Bank Trust National Association of Postpetition Mortgage Fees, Expenses and Charges, [589] Response Filed by Creditor US Bank Trust National Association to [585] Debtors' Objection.

10:00 AM **5:13-bk-50233** William Robert Maddy, Sr.
Ch 13
Trustee: Morris

Moving: Helen M. Morris

Opposing:

Debtor or Plaintiff Attorney: George L. Lemon

Matter: **[50] Motion by Trustee Helen M. Morris to Dismiss Case .**

10:00 AM **1:15-bk-10137** Mark Eugene Williams
Ch 13
Trustee: Morris

Confirmation Hearings

Moving: John F. Leaberry

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **Confirmation Hearing Re: [30] Debtor's Amended Chapter 13 Plan.**

10:00 AM **1:16-bk-10058** Derek Evan Mann and
Ch 13 Carrie Marie Mann
Trustee: Morris

Confirmation Hearings

Moving: John F. Leaberry

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **1. Confirmation Hearing Re: [14] Debtors' Chapter 13 Plan. [30] objection thereto filed by WVSTDR**

2. Motion to Value Secured Property (2003 Pontiac Sunfire) of Mid Atlantic Finance.

3. Motion to Value Secured Property (2013 Toyota Tacoma) of State Farm Bank.

4. 4. Motion to Value Secured Property (2013 Toyota Tacoma) of State Farm Bank

10:00 AM **5:15-bk-50262** Charles Anthony Hazard, Jr. and
Ch 13 Twila Jane Hazard
Trustee: Morris

Confirmation Hearings

Moving: John F. Leaberry

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **Confirmation Hearing Re: [4] Debtors' Chapter 13 Plan.**

10:00 AM **5:16-bk-50009** Clifford Ray Mills and
Ch 13 Patsy Evangeline Mills
Trustee: Morris

Confirmation Hearings

Moving: John F. Leaberry

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **Confirmation Hearing of [24] Amended Plan and [27] Trustee's Objection Thereto; [41] Objection thereto, filed by WVSTD; [52] Objection thereto, filed by IRS.**

10:00 AM **5:16-bk-50035** Corey Deene Sexton and
Ch 13 Kimberley Dene Sexton
Trustee: Morris

Confirmation Hearings

Moving: John F. Leaberry

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **1). Confirmation Hearing Re: [14] Debtors' Chapter 13 Plan; [27] Objection thereto, filed by WVSTD.**
2). [33] Trustee's Motion to Dismiss Case.

10:00 AM **1:14-bk-10140** Rose Marie Preston
Ch 13
Trustee: Morris

Moving:

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **[60] Trustee's Motion to Dismiss Case for Failure to Comply with Confirmation Order by Turning Over Proceeds of Tax Refund.**

10:00 AM **1:15-bk-10013** Timothy Charles Smith and
Ch 13 Teresa Ann Smith
Trustee: Morris

Moving: Helen M. Morris

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **[85] - Trustee's Motion to Dismiss for failure to maintain payments to the Trustee.**

10:00 AM **5:11-bk-50233** Timothy O'Dell Marshall, Sr.
Ch 13
Trustee: Morris

Moving: Ryan H. Keesee

Opposing:

Debtor or Plaintiff Attorney: John F. Leaberry

Matter: **Preliminary Hearing Re: [86] Motion to Lift Automatic Stay upon 413 Pine Street, Clifton Forge, VA 24422, filed by Creditor Private Lender Services, Inc..**

1:30 PM **1:16-bk-10064** Wendell Kent Russell, Sr. and
Ch 7 Sandra Faye Russell
Trustee: Johns

Moving: Brian Richard Blickenstaff

Opposing:

Debtor or Plaintiff Attorney: David G. Thompson

Matter: **14 - Objection filed by Trustee Robert L. Johns to Exemptions Claimed by Debtor(s)**

1:30 PM **2:15-bk-20609** Angelia Kay Wyant
Ch 7
Trustee: Johns

Moving: D. Carol Sasser

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: **Preliminary Hearing on [16] Motion of US Bank National Association to Lift Stay**

1:30 PM **5:12-bk-50231** John Wade Bell and
Ch 7 Ann Tate Bell
Trustee: Johns

Moving: George L. Lemon

Opposing:

Debtor or Plaintiff Attorney: George L. Lemon

Matter: **1. [248] Reaffirmation Agreement Between Debtor(s) John W Bell III & Ann T Bell and City National Bank of WV**

2. [249] Reaffirmation Agreement Between Debtor(s) John W Bell III & Ann T Bell and City National Bank of WV .

1:30 PM **5:14-bk-50104** Tara Lynn Tincher
Ch 7
Trustee: Johns

Moving: Robert L. Johns

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: **50 - Motion filed by Trustee Robert L. Johns to Compel Tara Lynn Tincher to Surrender Vehicle**

1:30 PM **2:15-bk-20630** Kenneth Ray Kidd, Jr. and
Ch 7 Valena Reena Kidd
Trustee: Johns

Moving: Robert L. Johns

Opposing:

Debtor or Plaintiff Attorney: Philip J. Tissue

Matter: **48 - Objection filed by Trustee Robert L. Johns to Exemptions Claimed by Debtor(s)**

1:30 PM **2:16-bk-20187** Ronald Alan King and
Ch 7 Merri Christy King
Trustee: Johns

Moving: Joseph T Johns

Opposing:

Debtor or Plaintiff Attorney: Philip J. Tissue

Matter: **Objection filed by Trustee Robert L. Johns to Exemptions Claimed by Debtor(s)**

1:30 PM **5:16-bk-50175** Christopher Sherrill Wilcox
Ch 7
Trustee: Standish

Moving: Bradford Paul Bury

Opposing:

Debtor or Plaintiff Attorney: Robert P. Dunlap, Esquire, PLLC

Matter: **Preliminary Hearing re: 9 - Motion by Creditor City National Bank of West Virginia to Lift Automatic Stay upon 123 Forrest Rim, Beaver, West Virginia 25813.**

1:30 PM **5:12-bk-50087** Carolyn Faye Kirkland
Ch 7
Trustee: Johns

Moving: Brian Richard Blickenstaff

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **56 - Motion filed by Trustee Robert L. Johns to Compel the debtor, Carolyn Faye Kirkland to Fulfill Payment Obligations.**

1:30 PM **5:15-bk-50206** Edward Lee Toney and
Ch 7 Elizabeth Pearl Toney
Trustee: Standish

Moving: Paul W. Roop II

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **1. Motion by Debtor Edward Lee Toney, Joint Debtor Elizabeth Pearl Toney to Reopen Case to vacate discharge and enter into reaffirmation agreement.**

2.

Motion by Debtor Edward Lee Toney, Joint Debtor Elizabeth Pearl Toney to Vacate Discharge.

1:30 PM **5:16-bk-50120** Robert Lee Fortune and
Ch 7 Christine Violet Fortune
Trustee: Johns

Moving: Johnie R Muncy

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **Preliminary Hearing re: 12 - Motion by Creditor JPMorgan Chase Bank, National Association to Lift Automatic Stay upon 100 Hoover St, Beckley, WV 25801, or in the alternative Motion by Creditor JPMorgan Chase Bank, National Association for Adequate Protection of Secured Property: 100 Hoover St, Beckley, WV 25801**

1:30 PM **5:16-bk-50040** Cambridge Stone, LLC
Ch 7
Trustee: Standish

Moving: Paul W. Roop II

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **Motion by Debtor Cambridge Stone, LLC to Dismiss Case for Debtor found an alternate solution to his financial issues.**

1:30 PM **5:16-bk-50037** William Harrison McGraw, III and
Ch 7 Debra Lynn McGraw
Trustee: Standish

Moving: Thomas L. Canary Jr.

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **Reaffirmation Agreement Between Debtor(s) William Harrison and Debra Lynn McGraw and Ford Motor Credit Company LLC, formerly Ford Motor Credit Company**

1:30 PM **5:16-bk-50023** Christine Marie Houck
Ch 7
Trustee: Standish

Moving: Arthur M. Standish

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **35 - Objection filed by Trustee Arthur M. Standish to Exemptions Claimed by Debtor**

1:30 PM **5:16-bk-50016** Stanley Keith Loundmon
Ch 7
Trustee: Johns

Moving: D. Carol Sasser

Opposing:

Debtor or Plaintiff Attorney: Paul W. Roop

Matter: **Motion by Creditor Wells Fargo Bank, N.A. to Lift Automatic Stay upon 219 Dogwood Court, Daniels, WV 25832, or in the alternative Motion by Creditor Wells Fargo Bank, N.A. for Adequate Protection of Secured Property: 219 Dogwood Court, Daniels, WV 25832.**

1:30 PM **1:16-bk-10006** Robert Ray Miller, Jr. and
Ch 7 Amanda Michelle Miller
Trustee: Standish

Moving:

Opposing:

Debtor or Plaintiff Attorney: P. Michael Magann

Matter: **Reaffirmation Agreement Between Debtor(s) Amanda & Robert Miller and Cars Financial**

1:30 PM **1:16-bk-10007** John D. Lester and
Ch 7 Carol Sue Lester
Trustee: Standish

Moving: P. Michael Magann

Opposing:

Debtor or Plaintiff Attorney: P. Michael Magann

Matter: **Reaffirmation Agreement Between Debtor(s) John and Carol Lester and TruPoint Bank**

1:30 PM **1:16-bk-10023** Joseph Andrew Curry and
Ch 7 Maria Clydette Curry
Trustee: Johns

Moving: P. Michael Magann

Opposing:

Debtor or Plaintiff Attorney: P. Michael Magann

Matter: **[22] Reaffirmation Agreement Between Debtor(s) Joseph Curry and Lendmark Financial Services, Inc.**

1:30 PM **1:16-bk-10026** Stephen Ray Holdren and
Ch 7 Donna Rae Holdren
Trustee: Johns

Moving: P. Michael Magann

Opposing:

Debtor or Plaintiff Attorney: P. Michael Magann

Matter: **1. [12] Reaffirmation Agreement Between Debtor(s) Stephen Holdren and 21st Mortgage Corporation Filed by Creditor 21st Mortgage Corporation, Balance \$26,124.37.**

2. [18] Reaffirmation Agreement Between Debtor(s) Stephen Ray Holdren and Donna Rae Holdren and Ally Bank Filed by Joint Debtor Donna Rae Holdren, Debtor Stephen Ray Holdren, Balance \$15555.56

1:30 PM **1:16-bk-10043** Kevin Eugene Neeley and
Ch 7 Elizabeth Diane Neeley
Trustee: Standish

Moving:

Opposing:

Debtor or Plaintiff Attorney: P. Michael Magann

Matter: **1) 12 - Reaffirmation Agreement Between Debtor(s) Kevin Eugene Neeley and Nissan Motor Acceptance Corporation Filed by Creditor Nissan Motor Acceptance Corporation, Balance \$21,042.56.**

2) 16-1 Reaffirmation Agreement Between Debtor(s) Kevin & Lisa Neeley and United Bank Inc., Balance \$20,169.26

1:30 PM **5:13-bk-50093** Reynolds Oil Company, Inc.
Ch 11

Moving: George L. Lemon

Opposing:

Debtor or Plaintiff Attorney: George L. Lemon

Matter: **1. [249] Motion filed by U.S. Trustee to Convert Case to Chapter 7.**

2. [255] Application by George L. Lemon for Compensation of George L. Lemon, Attorney, For the Period of: 4/29/2015 to 5/27/2016 in the Amount of Fees: \$8500.00, Expenses: \$0.00..

1:30 PM **5:14-bk-50033** DBK Investments and Development Corp., a Virginia
Ch 11

Moving: Joe M. Supple

Opposing:

Debtor or Plaintiff Attorney: Joe M. Supple

Matter: **1. [116] Amended Application by Creditor Town of Hillsville, Virginia Re: [110] Application for Administrative Expenses.**

2. [148] Motion filed by Debtor In Possession DBK Investments and Development Corp., a Virginia Corporation to Approve Administrative Expenses and Allowed Priority Claims and for Approval of Prepayment of Tax Preparation Fee to Debtor's Accountant.

3. [150] Application by DBK Investments and Development Corp., a Virginia Corporation for Compensation of Joe M. Supple, Debtor's Attorney, For the Period of: 10/2/2014 to 7/27/2016 in the Amount of Fees: \$35,103.56, Expenses: \$616.34..

1:30 PM **5:16-bk-50079** John Stephen Mason and
Ch 11 Arlena Rae Mason

Moving: Janet Smith Holbrook

Opposing: Joseph W. Caldwell

Debtor or Plaintiff Attorney: Joseph W. Caldwell

Matter: **1) Preliminary Hearing on [53] Motion of Paccar Financial Corp. to Lift the Stay upon a 2011 Kenworth W900L and a 2012 Kenworth W900L and [60] Debtors' Response;**
2) Preliminary Hearing on [57] Motion of Mack Financial Services to Lift the Stay upon 2 2012 East Manufacturing Dump Trailers with Dumps, a 2012 Kenworth W900L, a 2013 East Manufacturing Dump Trailer with Dump and a 2012 Mack GU713, or for Adequate Protection; [66] Debtors' Response

1:30 PM **5:16-bk-50176** Med-Surg Group, Incorporated
Ch 11

Moving: Joseph W. Caldwell

Opposing:

Debtor or Plaintiff Attorney: Joseph W. Caldwell

Matter: **1) Debtor's Motion to Use Cash Collateral;**
2) Appointment of Healthcare Ombudsman

1:30 PM **2:15-ap-02034** Johns v. Varney
† Ch 7
2:15-bk-20051 James Edward Varney

Moving:

Opposing:

Debtor or Plaintiff Attorney: Brian Richard Blickenstaff

Matter: **Trial**

2:30 PM **5:14-ap-05021** Caldwell v. Draven
† Ch 7
5:14-bk-50184 Matthew Carlton Draven

Moving: Amanda Jo Gardner

Opposing:

Debtor or Plaintiff Attorney: Amanda Jo Gardner

Matter: **Motion by Plaintiff James Caldwell for Contempt against Defendant for failure to list real property.**
