

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE: §  
§  
SAMME JO BRADY § Case No. 04-14870-FRM  
§ Chapter 7  
Debtor. §

**MOTION TO COMPEL ABANDONMENT OF PROPERTY PURSUANT TO § 554(b)**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS. IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

The Society of Lloyd's ("Movant"), a secured creditor and party in interest in the above referenced bankruptcy proceeding, hereby files its Motion to Compel Abandonment pursuant to 11 U.S.C. § 554(b) (the "Motion") and in support thereof respectfully submits as follows:

**JURISDICTION**

1. The Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

**BANKRUPTCY**

2. The United States District Court for the Southern District of California entered a judgment for the Movant and against Samme Jo Brady (the "Debtor") on June 4, 2003 in the amount of \$1,475,619. A copy of the judgment is attached as Exhibit 1. An abstract of the judgment (the "Abstract") was recorded in the official records of Imperial County, California on

June 30, 2003. A copy of the Abstract is attached as Exhibit 2. Pursuant to California law, filing the Abstract gave the Movant a lien on all of the Debtor's real property located in Imperial County, California.

3. The Debtor filed for protection under Chapter 7 of the Bankruptcy Code on September 21, 2004. Ronald Ingalls was appointed Chapter 7 Trustee. The Debtor filed schedules on October 13, 2004. In her schedule the Debtor listed the following real property located in Imperial County, California: 600 Broadway, El Centro, CA 92293 (Lot 20, Blk 7, Townsite of El Centro, Imperial County, California (the "California Property")). The Debtor listed the value of the California Property as \$28,000.

4. By virtue of filing the Abstract, the Movant has had a valid lien against the California Property since June 30, 2003.

#### **RELIEF REQUESTED**

5. Section 554(b) of the Bankruptcy Code provides: "on request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." The amount of the lien against the California Property greatly exceeds the \$28,000 value of the Debtor's real property located in California. Since the amount of the lien on this property greatly exceeds the value of the California Property, the California Property is of inconsequential value and benefit to the Estate.

Wherefore the Society of Lloyd's prays that the Chapter 7 Trustee be directed to abandon the real property located at 600 Broadway Avenue, El Centro, CA which is the subject of this application, and that the Movant be granted all other just relief.

Respectfully submitted,

/s/ Andrew Edison

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**CERTIFICATE OF SERVICE**

In addition to the copies served electronically by the Court, I, John C. Leininger, certify that on this 21<sup>st</sup> day of October 2004, a true and correct copy of the Motion to Compel Abandonment was served on the attached service list via first class United States mail, postage paid.

/s/ John C. Leininger

**SERVICE LIST**

American Names Association, Inc.  
P.O. Box 9940  
Rancho Santa Fe, CA 92067

AT&T Universal Card Services  
P.O. Box 44167  
Jacksonville, FL 32231-4167

Citi  
Box 6000  
The Lakes, NV 89163-6000

CitiFinancial Retail Services  
P.O. ox 22060  
Tempe, AZ 85285-2060

CompUSA  
P.O. Box 15521  
Wilmington, DE 19850-5521

LeBoeuf Lamb Green & MacRae  
125 West 55<sup>th</sup> Street  
New York, NY 10019-5389

MBNA America  
P.O. Box 15026  
Wilmington, DE 19850-5026

Providian  
P.O. Box 9016  
Pleasanton, CA 94566-9016

Rainsoft Retail Services  
P.O. Box 703  
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