



SO ORDERED.

SIGNED this 01 day of December, 2006.

ROBERT E. NUGENT
UNITED STATES CHIEF BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)	
)	
MICHAEL R. BERRY, JR.)	Case No. 05-14423
)	Chapter 7
Debtor.)	
_____)	
LINDA S. PARKS, Trustee)	
)	
Plaintiff,)	
v.)	Adv. No. 05-5755
)	
MICHAEL R. BERRY, JR,)	
SNAP-ON CREDIT LLC)	
Defendants.)	
_____)	

JUDGMENT ON DECISION

The trustee filed this adversary proceeding invoking her hypothetical lien creditor avoidance powers under 11 U.S.C. §544(a) to avoid and preserve for the benefit of the estate Snap-On Credit LLC's claimed security interest in debtor's Snap-On tools and equipment.

The Court held that where Snap-On Credit did not use the individual debtor's legal name on the financing statement and a search under that name, using the filing office's standard search logic, did not disclose the Snap-On Credit financing statement, the financing statement was seriously misleading and ineffective. *See* KAN. STAT. ANN. § 84-9-502(a)(1) and § 84-9-506.

The trustee may therefore avoid Snap-On Credit's security interest and preserve the same for the benefit of the estate under 11 U.S.C. § 551. JUDGMENT is entered in favor of the Trustee and against Snap-On Credit. JUDGMENT is entered in favor of the Trustee and against defendant Michael R. Berry, Jr. by default.

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