



**SO ORDERED.**

**SIGNED this 23 day of July, 2007.**

*Dale L. Somers*

Dale L. Somers  
UNITED STATES BANKRUPTCY JUDGE

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

**In Re:**

**BRYAN K. MARSHALL and  
JULIE M. MARSHALL,**

**DEBTORS.**

**CASE NO. 05-18216  
CHAPTER 7**

**LINDA S. PARKS, Trustee,**

**PLAINTIFF,**

**v.**

**ADV. NO. 06-5181**

**FIA CARD SERVICES, N.A., successor  
in interest to MBNA CORPORATION  
and GE MONEY BANK/MONOGRAM  
CREDIT CARD BANK OF GEORGIA,  
D/B/A LOWE'S CREDIT CARD,**

**DEFENDANTS.**

**JUDGMENT DENYING  
TRUSTEE'S COMPLAINT TO RECOVER PREFERENCE**

The matter before the Court is the Chapter 7 Trustee's Complaint to Recover Preference filed pursuant to 11 U.S.C. § 547(b).<sup>1</sup> The plaintiff Chapter 7 Trustee, Linda S. Parks, appears by Jennifer L. Goheen-Lynch of Hite, Fanning & Honeyman, L.L.P. The defendant FIA Card Services, N.A. (hereafter "FIA") appears by Elizabeth A. Carson of Bruce, Bruce & Lehman, L.L.C. FIA is the successor to MBNA Corporation, doing business as MBNA America (hereafter "MBNA"). There are no other appearances.

This Court has jurisdiction pursuant to 28 U.S.C. § 157(a) and §§ 1334(a) and (b) and the Standing Order of the United States District Court for the District of Kansas that exercised authority conferred by § 157(a) to refer to the District's Bankruptcy judges all matters under the Bankruptcy Code and all proceedings arising under the Code or arising in or related to a case under the Code, effective July 10, 1984. A complaint to recover a preference is a core proceeding which this Court may hear and determine as provided in 28 U.S.C. § 157(b)(2)(F). There is no objection to venue or jurisdiction over the parties.

The Trustee's complaint, filed on March 31, 2006, alleges preferential transfers were received by defendants MBNA Corporation and GE Money Bank/Monogram Credit Bank of Georgia. On September 11, 2006, the Court entered a Journal Entry of Dismissal of Adversary Action Against GE Money Bank/Monogram Credit Card Bank of Georgia, d/b/a/ Lowe's Credit, stating that the claim had been settled by payment to the Trustee and dismissing the case against GE Money Bank/Monogram Credit Card Bank of Georgia with prejudice.

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<sup>1</sup> This case was filed on October 13, 2005, before October 17, 2005, when most provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 become effective. All statutory references to the Bankruptcy Code are to 11 U.S.C. §§ 101 - 1330 (2004), unless otherwise specified. All references to the Federal Rules of Bankruptcy Procedure are to Fed. R. Bankr. P. (2004), unless otherwise specified.

Thereafter, the Court took under advisement the Complaint as to defendant FIA Card Services, N.A, successor to MBNA Corporation, based upon a joint stipulation of facts and the briefs of the parties. Pursuant to Federal Rule of Bankruptcy Procedure 7052, which makes Civil Rule 52 apply to this proceeding, the Court announced on July 23, 2007, by Memorandum and Order Denying Trustee's Complaint to Recover Preferences from FIA Credit Card Service, its Findings of Fact and Conclusions of Law. Based upon the foregoing, including the Journal Entry of Dismissal of Adversary Action Against GE Money Bank/Monogram Credit Card Bank of Georgia, d/b/a/ Lowe's Credit and those Findings and Conclusions, and in accordance with Bankruptcy Rule 9021 and Civil Rule 58(a), judgment is hereby entered denying the Trustee's Complaint to avoid preferences pursuant to 11 U.S.C. § 547 as to all defendants.

**IT IS SO ORDERED.**

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