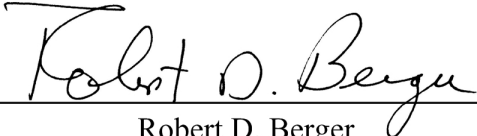




**The relief described hereinbelow is SO ORDERED.**

**SIGNED this 30th day of November, 2011.**

  
Robert D. Berger  
United States Bankruptcy Judge

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

**In re:**

**CRESCENT OIL COMPANY, INC.,  
Debtor-in-Possession.**

**Case No. 09-20258  
Chapter 11**

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**CRESCENT OIL COMPANY, INC., et al.,  
Plaintiffs,**

**v.**

**Adv. No. 10-6038**

**HASAN ENTERPRISE, LLC, et al.,  
Defendants.**

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**ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Debtor Crescent Oil Company moves for summary judgment and seeks \$45,833.90 for pre- and post-petition products sold to Defendant Hasan Enterprise, LLC.<sup>1</sup> Defendant Muhamud Hasan guaranteed payment. The motion is unopposed.

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<sup>1</sup> Doc. No. 15.

## **Findings of Fact**

Debtor filed for bankruptcy protection on February 7, 2009. Debtor owned, leased, sub-leased and bought and sold real property and equipment in the gasoline convenience store business. Debtor also bought and sold gasoline and related convenience store products in the Midwest and other locations.

Before selling substantially all its assets in this bankruptcy, Debtor did business with Hasan Enterprise under a real estate sublease and motor fuel marketing agreement. Muhamud Hasan guaranteed Hasan Enterprise's obligations. As a result of this business relationship, Defendants owe \$45,833.90 to Debtor for pre- and post-petition products. Debtor presents uncontroverted testimony supporting its right to collect this account receivable.

## **Conclusions of Law**

### **A. Summary Judgment Standard**

Summary judgment is appropriate if the moving party demonstrates there is no genuine issue as to any material fact, and he is entitled to judgment as a matter of law.<sup>2</sup> All material facts set forth in the movant's statement shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party.<sup>3</sup> If the opposing party does not respond, summary judgment should, if appropriate, be entered against that party.<sup>4</sup> The moving party has the burden of establishing it is entitled to summary judgment.<sup>5</sup>

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<sup>2</sup> Fed. R. Bankr. P. 7056.

<sup>3</sup> D. Kan. LBR 7056.1(a).

<sup>4</sup> Fed. R. Bankr. P. 7056; Fed. R. Civ. P. 56(e)(2).

<sup>5</sup> *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

**B. Debtor Meets Its Burden**

Debtor has properly supported its motion for judgment. Debtor has made demand for the amount owed, and Defendants have failed to pay or raise a defense. The amount owing is property of the estate. The account receivable is matured and payable. Accordingly, Debtor is entitled to judgment as a matter of law.

**Conclusion**

IT IS THEREFORE ORDERED Plaintiff's Motion for Summary Judgment under 11 U.S.C. §541 and §542 is GRANTED in the amount of \$45,833.90. A separate order of judgment in Plaintiff's favor shall be entered.

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ROBERT D. BERGER  
U.S. BANKRUPTCY JUDGE  
DISTRICT OF KANSAS