



SO ORDERED.

SIGNED this 01 day of November, 2006.

ROBERT E. NUGENT
UNITED STATES CHIEF BANKRUPTCY JUDGE

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

IN RE:)	
)	
RICHARD MORGAN STEWART, IV,)	Case No. 04-16838
VALERIE ANN STEWART,)	Chapter 7
Debtors.)	
_____)	
J. MICHAEL MORRIS, Trustee,)	
)	
Plaintiff,)	
v.)	Adv. No. 05-5090
)	
SNAP ON CREDIT, L.L.C., f/k/a)	
SNAP-ON CREDIT CORPORATION,)	
BRIAN UNRUH,)	
Defendants.)	
_____)	

JUDGMENT ON DECISION

This is an action by the trustee under 11 U.S.C. § 544 to avoid the purchase-money security interest of defendant Snap On Credit, L.L.C. (Snap On) in certain tools purchased by the debtor pre-petition, challenging the adequacy of Snap On’s perfection of its security interest. Because an

official search of the Kansas Secretary of State's records using the debtor's full legal name "Stewart IV, Richard Morgan" and standardized search logic did not yield the financing statement filed by Snap-On naming debtor as "Richard Stewart," Snap-On's financing statement was seriously misleading under KAN. STAT. ANN. § 84-9-506(b). *See Parks v. Berry (In re Berry)*, 2006 WL 2795507 (Bankr. D. Kan. Sept. 26, 2006) (Nugent, C.J.); *Clark v. Deere and Company, et al (In re Kinderknecht)*, 308 B.R. 71 (10th Cir. BAP 2004); *Pankratz Implement Co. v. Citizens Nat. Bank*, 281 Kan. 209, 130 P.3d 57 (2006).

JUDGMENT is entered in favor of the trustee and against Snap-On, avoiding Snap-On's lien and preserving same for the benefit of the estate under 11 U.S.C. § 551. Snap-On shall turnover the tools in question or their value in the amount of \$2,881.75 plus interest thereon from December 29, 2004 until paid, together with the costs of this proceeding.

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