



**SO ORDERED.**

**SIGNED this 01 day of December, 2006.**

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**ROBERT E. NUGENT**  
**UNITED STATES CHIEF BANKRUPTCY JUDGE**

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

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

**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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