

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
CAMERON ROSS BERNARD,) CASE NO. 07-20050 JPK
) Chapter 13
Debtor.)

ORDER REGARDING RESOLUTION OF CONTESTED MATTER

On August 17, 2007, a hearing was held with respect to the Motion for Relief from Stay and Abandonment of Personal Property filed by CC Services, Inc. on March 17, 2007. The debtor appears by counsel Steve H. Tokarski; CC Services, Inc. appears by counsel Jeffrey M. Monberg; the Chapter 13 Trustee appears by counsel Amy Godshalk.

In order to resolve the motion, it was first necessary for the Court to determine the nature of the transaction between the debtor and CC Services, Inc., i.e., whether that transaction constituted a lease of personal property or whether that transaction constituted a sale with a retained security interest. Based upon the record in this case, including the lease document itself and the memorandum of law filed by CC Services, Inc. on June 25, 2007, the Court determines that the transaction between the debtor and CC Services, Inc. constitutes a lease of the personal property which is the subject of the written agreement between the parties. The debtor does not contest this determination.

In order to resolve matters relating to the provision of adequate protection to the creditor with respect to the property in which it has an interest, the parties have agreed to provide for that resolution in an agreed order.

IT IS ORDERED that the contractual arrangements between the debtor and CC Services, Inc. with respect to the personal property designated in the written agreement between those parties constitutes a lease of personal property.

IT IS FURTHER ORDERED that the parties shall file an agreed order resolving matters

regarding payment of adequate protection with respect to the foregoing personal property, as approved by the Chapter 13 Trustee, in 30 days. The Court will approve disbursement immediately by the Chapter 13 Trustee, as provided for in that agreed order, of monthly lease payments which were due for the periods commencing with the date of the filing of this Chapter 13 case, without further notice to creditors with respect to that disbursement.

Dated at Hammond, Indiana on August 29, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
Attorney for Creditor