

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
ERIC MICHAEL SPRINGMAN,) CASE NO. 04-64131 JPK
) Chapter 7
) Debtor.)
*****)
STACIA L. YOON, TRUSTEE,)
)
Plaintiff,)
)
v.) ADVERSARY NO. 05-6009
)
DON SPRINGMAN and)
CAROL SPRINGMAN,)
)
Defendants.)

MEMORANDUM OF DECISION

On May 27, 2005, a trial was held with respect to the plaintiff's complaint. The plaintiff appears personally; the defendants Don Springman and Carol Springman appear personally, *pro se*.

Based upon the facts and analysis stated upon the record in open court, the Court finds that the defendants received a preferential payment from the debtor Eric Michael Springman in the amount of \$475.00. The Court finds that the testimony of Eric Michael Springman at his § 341 meeting is entirely inconsistent with paragraph 3(b) of his Statement of Financial Affairs, and that the testimony of Carol Springman is consistent with the statement in the foregoing document. The Court thus finds that the amount of the payment actually received by Carol Springman and Don Springman from the debtor during the one year period provided for by 11 U.S.C. § 547(b)(4)(B) [the defendants are "insiders", being the mother and father of the debtor] was \$475.00.

The debtor's Schedules were submitted into evidence, and based upon those Schedules, the Court finds that the debts of Eric Michael Springman in his Chapter 7 case are

primarily "consumer debts" as defined by 11 U.S.C. § 101(8). As a result, the Court finds that although the \$475.00 payment received by Don and Carol Springman constitutes a preferential payment, the Trustee is precluded from avoiding that payment by operation of 11 U.S.C. § 547(c)(8).

IT IS ORDERED, ADJUDGED AND DECREED that the Trustee shall take nothing by her complaint.

Dated at Hammond, Indiana on June 2, 2005.



J. Philip Klingeberger
United States Bankruptcy Court

Distribution:
Plaintiff
Defendants