

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:	)	Case No. 04-46027-293
	)	Judge David P. McDonald
STEPHEN L. SKIDMORE,	)	Chapter 7
)	
Debtor.	)	Adversary No. 05-4004-293
	)	RE: #1
<hr/>)	
E. REBECCA CASE, Chapter 7 Trustee,	)	CONSENT JUDGMENT TO SELL
	)	PROPERTY FREE AND CLEAR OF
Plaintiff,	)	INTERESTS - 21.45 ACRES LOCATED
	)	AT 31-7-11 LAMOTTE TOWNSHIP,
v.	)	GORDON, ILLINOIS
)	
STEPHEN L. SKIDMORE and	)	Howard S. Smotkin
LORI A. SKIDMORE,	)	EDMO #4407, MO #36227
	)	Janice R. Valdez
Defendants.	)	EDMO #65355, MO #42154
	)	Stone, Leyton & Gershman
	)	A Professional Corporation
	)	7733 Forsyth Boulevard, Suite 500
	)	St. Louis, Missouri 63105
	)	(314) 721-7011
	)	(314) 721-8660 Facsimile
	)	hss@stoneleyton.com
	)	jrv@stoneleyton.com

At St. Louis, in this district, Chapter 7 Trustee, E. Rebecca Case ("Trustee Case"), filed her Complaint to Sell Property Free and Clear of Interests pursuant to 11 U.S.C. §363(h) (the "Complaint"). The parties have resolved the issues between them and hereby agree to the following stipulations and enter into this Consent Judgment resolving the Complaint.

1. The Court has jurisdiction in regard to this matter pursuant to 28 U.S.C. §§151, 157, and 1334 and Local Rule 81-9.01(B) of the United States District Court for the Eastern District of Missouri.

2. Debtor Stephen L. Skidmore ("Debtor") filed a Voluntary Petition for Relief under Chapter 7 of Title 11 of the United States Bankruptcy Code on May 6, 2004.

3. Trustee Case is the duly appointed Chapter 7 Trustee of Debtor's bankruptcy estate.
4. This is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (N).
5. Debtor is an individual residing in the Eastern District of Missouri.
6. Defendant Lori A. Skidmore ("Lori Skidmore") is an individual residing in Robinson, Illinois and is the ex-spouse of Debtor.
7. Venue is proper under 28 U.S.C. §1409(a).
8. Debtor and Lori Skidmore are listed as the co-owners of two parcels of real estate comprising 21.45 acres in total located at 31-7-11 Lamotte Township, Gordon, Illinois (the "Property"), with a legal description of:

TRACT ONE:

Beginning at a point 941.5 feet North and 40.0 feet East of the Southwest Corner of the Northwest Quarter of Section 31, T7N, R11W of the 2nd P.M. Crawford County, Illinois, said point being on the East right-of-way line of State Route #1, thence east 821.8 feet to an existing fence, thence northerly 390.0 feet along said fence, thence west 821.4 feet to a point on the East right-of-way line of State Route #1, thence south 390.0 feet to the point of beginning, containing 7.35 Acres more or less.

TRACT TWO:

The following described real estate is located in the N.W.¼, Section 31, T7N, R11W, 2nd P.M. Crawford County, State of Illinois, and contains 14.1 Acres more or less.

Beginning at a point 1331.5 feet north and 40.0 feet east of the S.W. Corner, N.W.¼, Section 31, T7N, R11W, 2nd P.M. Crawford County, State of Illinois, said point being on the East Right-of-Way Line of State Route #1, thence east 821.4 feet to an existing fence, thence northerly 1085.0 feet along said fence to the southerly bank of the creek, thence southwesterly along said southerly bank of the creek to a point on the East Right-of-Way Line of State Route #1, thence south 331.3 feet, thence west 20.0 feet, thence south 137.5 feet to the point of beginning.

9. Debtor and Lori Skidmore were divorced on November 10, 1998.

10. The Divorce Decree and Judgment of the Crawford County Court dated November 10, 1998 ordered the Property was to remain in the names of both Debtor and Lori Skidmore and, upon the sale of the Property, Debtor would receive 75% and Lori Skidmore would receive 25% of the net sale proceeds.

11. Trustee Case desires to sell the estate's interest in the Property.

12. Debtor and Lori Skidmore do not reside in the Property.

13. 11 U.S.C. §363(h) provides that:

Notwithstanding subsection (f) of this section, the trustee may sell both the estate's interest under subsection (b) or (c) of this section, and the interest of any co-owner in property in which the debtor had, at the time of the commencement of the case, an undivided interest as a tenant in common, joint tenant, or tenant by the entirety, only if --

- (1) partition in kind of such property among the estate and such co-owners is impracticable;
- (2) sale of the estate's undivided interest in such property would realize significantly less for the estate than sale of such property free of the interests of such co-owners;
- (3) the benefit to the estate of a sale of such property free of the interests of co-owners outweighs the detriment, if any, to such co-owners; and
- (4) such property is not used in the production, transmission, or distribution, for sale, of electric energy or of natural or synthetic gas for heat, light or power.

14. The sale of an undivided interest in the Property would realize significantly less for the estate than the sale of the Property free of the interests of Lori Skidmore, if any.

15. The benefit to the estate of the Property's sale free of Lori Skidmore's interests, if any, outweighs the detriment to Lori Skidmore.

16. The Property is not used in the production, transmission, or distribution, for sale, of electric energy or of natural or synthetic gas for heat, light, or power.

17. Any partition in kind of the Property between the estate and Lori Skidmore is impracticable.

18. On January 27, 2005, Defendant Stephen L. Skidmore filed his Consent to the Complaint. A true and correct copy is attached hereto as **EXHIBIT "1"** and incorporated herein by this reference.

19. On February 7, 2005, Defendant Lori A. Skidmore filed her Consent to the Complaint. A true and correct copy is attached hereto as **EXHIBIT "2"** and incorporated herein by this reference.

20. By Order dated October 14, 2004, this Court approved the employment of Char Harvey and Harvey, Biggs and Company Real Estate, Inc. to serve as the real estate agent for the estate to sell the Property.

21. Pursuant to 11 U.S.C. §363, the sale will be free and clear of any liens and/or encumbrances on the Property.

22. Liens, if any, will attach to the proceeds of the sale. Accordingly,

IT IS HEREBY AGREED AND DETERMINED that judgment is entered in favor of Plaintiff Chapter 7 Trustee E. Rebecca Case and against Defendants Stephen L. Skidmore and Lori A. Skidmore on the Complaint to Sell Property Free and Clear of Interests, pursuant to the provisions of 11 U.S.C. §363(h). Trustee Case is authorized to sell two parcels of real estate comprising 21.45 acres in total located at 31-7-11 Lamotte Township, Gordon, Illinois with a legal description of:

TRACT ONE:

Beginning at a point 941.5 feet North and 40.0 feet East of the Southwest Corner of the Northwest Quarter of Section 31, T7N, R11W of the 2nd P.M. Crawford County, Illinois, said point being on the East right-of-way line of State Route #1, thence east 821.8 feet to an existing fence, thence northerly 390.0 feet along said fence, thence west 821.4 feet to a point on

the East right-of-way line of State Route #1, thence south 390.0 feet to the point of beginning, containing 7.35 Acres more or less.

TRACT TWO:

The following described real estate is located in the N.W.¼, Section 31, T7N, R11W, 2nd P.M. Crawford County, State of Illinois, and contains 14.1 Acres more or less.

Beginning at a point 1331.5 feet north and 40.0 feet east of the S.W. Corner, N.W.¼, Section 31, T7N, R11W, 2nd P.M. Crawford County, State of Illinois, said point being on the East Right-of-Way Line of State Route #1, thence east 821.4 feet to an existing fence, thence northerly 1085.0 feet along said fence to the southerly bank of the creek, thence southwesterly along said southerly bank of the creek to a point on the East Right-of-Way Line of State Route #1, thence south 331.3 feet, thence west 20.0 feet, thence south 137.5 feet to the point of beginning.

Any sale by Trustee Case shall be free and clear of all liens, encumbrances and interests including, but not limited to, the interests of Debtor Stephen L. Skidmore and Lori A. Skidmore.

Any valid liens or encumbrances existing at the time of the sale including, but not limited to, the interests of Debtor Stephen L. Skidmore and Lori A. Skidmore shall attach solely to the sale proceeds and their interest in the proceeds shall be determined by the United States Bankruptcy Court for the Eastern District of Missouri.

E. Rebecca Case, Chapter 7 Trustee of the
Bankruptcy Estate of Stephen L. Skidmore

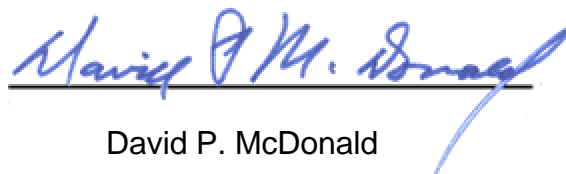
Howard S. Smotkin/Janice R. Valdez
Attorneys for Chapter 7 Trustee

see attached Consent (Exhibit "1")
Stephen L. Skidmore

see attached Consent (Exhibit "2")
Lori A. Skidmore

DATED: March 30, 2005

St. Louis, Missouri



David P. McDonald

United States Bankruptcy Judge

Order prepared by:

Howard S. Smotkin, EDMO #4407, MO #36227
Janice R. Valdez, EDMO #65355, MO #42154
Stone, Leyton & Gershman
A Professional Corporation
7733 Forsyth Boulevard, Suite 500
St. Louis, Missouri 63105
(314) 721-7011
(314) 721-8660 Facsimile
hss@stoneleyton.com
jrv@stoneleyton.com

With a copy to be provided to:

1. Stephen L. Skidmore Debtor/Defendant
3238 Sulphur, #3
St. Louis, Missouri 63139
2. Deanna A. Foley Attorney for Debtor
6410 Hampton Avenue
St. Louis, Missouri 63109
3. Lori A. Skidmore Defendant
1106 West Locust
Robinson, Illinois 62454
4. Mark R. Weber Attorney for Lori A. Skidmore
P.O. Box 696
Robinson, Illinois 62454
5. Office of the United States Trustee
Thomas F. Eagleton Courthouse
111 South Tenth Street, Suite 6353
St. Louis, Missouri 63102
6. E. Rebecca Case Chapter 7 Trustee
Stone, Leyton & Gershman
7733 Forsyth Boulevard, Suite 500
St. Louis, Missouri 63105
7. Howard S. Smotkin Attorneys for Chapter 7 Trustee
Janice R. Valdez
Stone, Leyton & Gershman

7733 Forsyth Boulevard, Suite 500
St. Louis, Missouri 63105

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)
)
Stephen L. Skidmore,) Case No. 04-46027-293
Debtor.) Chapter 7
E. Rebecca Case,)
Trustee.)

**RESPONSE TO TRUSTEE'S COMPLAINT TO SELL PROPERTY FREE AND
CLEAR OF INTERESTS**

COMES NOW, Deanna A. Foley, Debtor's Counsel and answers as follows:

- 1) Debtors admit numbers 1 through 18 of the complaint.

WHEREFORE, Debtors' Counsel prays that this Honorable Court approve the Trustee's Complaint to sell property free and clear of interests.

/s/ Deanna A. Foley
Deanna A. Foley
EDMO# 68521
Attorney for the Debtor
6410 Hampton Ave.
St. Louis, MO 63109
(314) 351-3878
(314) 351-3868 fax

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2005, a true and correct copy of the foregoing was mailed First Class, postage prepaid and by fax to the following:

Stone, Leyton & Gershman
Attn: Janice Valdez
7733 forsyth Blvd., Ste. 500
St. Louis, MO 63105

/s/ Deanna A. Foley
Deanna A. Foley

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RECEIVED & FILED

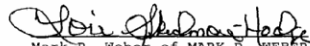
IN RE:	)	2005 FEB -7 A 11:31
	)	Case No. 04-46027-293
STEPHEN L. SKIDMORE,	)	Chapter 7
Debtor.	)	CLERK US BANKRUPTCY COURT EASTERN DISTRICT OF MISSOURI
	)	Adversary No. 05-4004-293
E. REBECCA CASE,)	
Trustee.)	

**RESPONSE TO TRUSTEE'S COMPLAINT TO SELL
PROPERTY FREE AND CLEAR OF INTERESTS**

COMES NOW, LORI A. SKIDMORE, Defendant, and answers as follows:

1. Defendant admits to numbers 1 through 18 of the Complaint.

WHEREFORE, Defendant prays that this Honorable Court approve the Trustee's Complaint to sell property free and clear of interests.


 Mark R. Weber of MARK R. WEBER
 Chartered
 IL ARDC #02956500
 Attorney for Defendant
 PO Box 696
 Robinson, IL 62454
 (618) 544-9595
 (618) 544-9596 fax

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all attorneys of record in this cause and all unrepresented parties by personally delivering the same and/or depositing the same in the United States Post Office, Robinson, Illinois before 5:00 p.m. February 4th, 2005, proper postage prepaid the name and address appearing on the envelope, being:

Stone, Leyton & Gershman	Deanna A. Foley
ATTN: Janice R. Valdez	Attorney for Debtor
7733 Forsyth Boulevard, Suite 500	6410 Hampton Avenue
St. Louis, Missouri 63105	St. Louis, MO 63109

