

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

IN RE:) CASE NO. 03-32741
)
IRMA JEAN FLOOD,) CHAPTER 13
)
DEBTOR.) Doc. I.D. No. 29

**BRIEF MEMORANDUM AND ORDER ON
ORDER COMPELLING PRODUCTION**

On May 23, 2003, the Debtor, Irma Jean Flood, commenced Bankruptcy Case No. 03-32741 by filing a petition under Chapter 13 of the United States Bankruptcy Code. The Debtor's Second Amended Chapter 13 Plan was confirmed on December 5, 2003, consummated on March 12, 2007, see Chapter 13 Final Account and Application for Final Decree, Doc. I.D. No. 21, and a Discharge Order was entered on March 13, 2007. The matter before the Court involves the Debtor's post-discharge attempts to obtain an original lien-free vehicle title related to a 1998 Jeep Cherokee, VIN 1J4FT27P1WL163824 (hereafter, the "Vehicle").

Following notice and a hearing on the Debtor's June 28, 2007, Motion . . . to Obtain Title for Jeep (hereafter, the "Motion"), Doc. I.D. No. 25, "resubmitted" via the Debtor's Motion to Reopen . . . (hereafter, the "Resubmitted Motion") dated August 1, 2007, Doc. I.D. No. 28, the Court ordered, *inter alia*,

that on or before August 31, 2007, National Capital Management, LLC, 8245 Tournament Drive, Suite 230, Memphis, Tennessee 38125, as Purchaser/Assignee/Transferee and current record holder of Claim No. 1 in Bankruptcy Case No. 03-32741 (hereafter, "National"), see Joint Notice of Transfer of Claim Pursuant to FRBP 3001(e)(2) and Waiver of Opportunity to Object, Doc. I.D. No. 20, is directed to provide to the Debtor Title to the above-referenced Jeep (hereafter, the "Title").

Order Compelling Production of Vehicle Title and Scheduling Hearing to Consider Sanctions (hereafter, the “Order Compelling Production”), Doc. I.D. No. 29. The Order Compelling Production also ordered that in the event National failed to produce the Vehicle title it was to appear before this Court through licensed counsel on September 12, 2007 and show cause why it should not be held in contempt and sanctioned for failure to comply with the Order Compelling Production.

National responded by transmitting a letter and affidavit (hereafter, the “Letter and/or Affidavit”), to Reginald Flood (the Vehicle owner as listed on the Vehicle title).¹ The Letter, *inter alia*, stated that the original Vehicle title “has been lost or misplaced.” The Affidavit, *inter alia*, released National’s “entire lien, right, title, and security interest in the [Vehicle]”.

On September 12, 2007, the Debtor, accompanied by Reginald Flood, appeared for the hearing, but National failed to appear. At that time the Court stated, *inter alia*, it would order National to reimburse the Debtor for the cost (\$10.00) of obtaining a duplicate title, and further consider whether to sanction National for wilfully defying a Court order by its failure to appear. Following an extensive review of the present case, and that of Reginald Flood, Case No. 03-50351,² and in light of the Letter and Affidavit, the Court has concluded no further action by the Court is warranted. Under the relevant circumstances it does not appear that National’s failure to appear before the Court on September 12, 2007, was a *wilful* defiance of the Order Compelling Production.

¹The Letter dated July 30, 2007, was signed by Kelly M. Heflin, Paralegal, National Capital Management, and is docketed in Case No. 03-32741 as Doc. I.D. No. 31.

²Reginald Flood’s case was commenced under Chapter 13 on March 19, 2003, assigned to United States Bankruptcy Judge Alan H.W. Shiff at Bridgeport, converted to Chapter 7 on May 22, discharged August 26, and closed September 10, 2003.

In addition, and notwithstanding the Court's record comments of September 12, 2007, there exists no *legal authority*³ permitting the Court to order National to compensate the Debtor, Irma Jean Flood, for the cost of obtaining a duplicate title. In this regard the Court notes, *inter alia*, that a copy of the title, attached to National's Proof of Claim (Claim No. 1), reflects Reginald Flood as the Vehicle owner.

In accordance with the above,

IT IS HEREBY ORDERED that the Order Compelling Production has been satisfied by the Letter and Affidavit, and shall be marked "Off" with no further action thereon required, and

NOTICE is hereby given that the Court has mailed to the Debtor a copy of the Vehicle's Certificate of Title, a copy of Virginia Department of Motor Vehicles Form VSA 17A, and that the undersigned judge has been advised by the Virginia Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220 (1-866-368-5463) that their receipt of a completed Form VSA 17A, accompanied by the Letter and Affidavit, and a fee of \$10.00, should be sufficient for Reginald Flood to obtain a duplicate original lien free (as to National) Vehicle title.

Dated: October 5, 2007

BY THE COURT


Albert S. Dabrowski
Chief United States Bankruptcy Judge

³The Court believes that as the party responsible for the loss of the Vehicle title, National, in accordance with equity and fair business practices, should reimburse Reginald Flood for the cost of obtaining a duplicate Vehicle title.