

**BANKRUPTCY APPELLATE PANEL OF THE SIXTH CIRCUIT**

In re: JENNY FOSTER and REESE FOSTER, )  
 )  
 Debtors. )  
 \_\_\_\_\_ )  
 )  
 )  
 SUSAN RHIEL, TRUSTEE, )  
 )  
 Appellant, ) No. 11-8023  
 )  
 v. )  
 )  
 BAC HOME LOANS SERVICING, LP, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Appeal from the United States Bankruptcy Court  
for the Southern District of Ohio  
Case No. 09-63067; Adversary Case No. 10-2016

Decided and Filed: November 10, 2011

Before: HARRIS, RHODES, and SHEA-STONUM, Bankruptcy Appellate Panel Judges.

---

**COUNSEL**

**ON BRIEF:** Susan L. Rhiel, RHIEL & ASSOCIATES CO., LPA, Columbus, Ohio, for Appellant. Amelia A. Bower, PLUNKETT COONEY, Columbus, Ohio, for Appellee.

---

**OPINION**

---

ARTHUR I. HARRIS, Bankruptcy Appellate Panel Judge. After reviewing the record and the parties' briefs, the Panel determines that the bankruptcy court did not err in granting summary

judgment against the trustee and in favor of BAC Home Loans Servicing, LP. We therefore affirm for the reasons stated in the bankruptcy court's well-written opinion entered on March 23, 2011, *Rhiel v. BAC Home Loans Servicing, LP, (In re Foster)*, 448 B.R. 914 (Bankr. S.D. Ohio 2011), and for the reasons stated in the Bankruptcy Appellate Panel's opinion entered on June 24, 2011, *Rogan v. Fifth Third Mortgage Co., (In re Rowe)*, 452 B.R. 591 (B.A.P. 6th Cir. 2011) (analyzing a similar issue under Kentucky law).