

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLORADO**

In re:	)	
	)	
WILLIAM DAVID WILSON	)	CHAPTER 7
SSN: XXX-XX-1260, and	)	CASE NO. 04-32586 SBB
CHERYL ANN WILSON	)	
SSN: XXX-XX- 7799	)	
Debtors.	)	
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CHARLES SCHLOSSER,	)	
Chapter 7 Trustee,	)	
	)	
Plaintiff,	)	Adversary Proceeding No. 05-1266 SBB
vs.	)	
	)	
DAIMLERCHRYSLER SERVICES NA,	)	
LLC,	)	
	)	
Defendant.	)	

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**AMENDED JUDGMENT (1) GRANTING PLAINTIFF’S MOTION FOR SUMMARY  
JUDGMENT (DOCKET #11) AND (2) DENYING DEFENDANT’S MOTION FOR SUMMARY  
JUDGMENT (DOCKET #13)**

The above-captioned matter comes before the Court on:

- (1) the Motion for Summary Judgment on First Claim for Relief (Preferential Transfer) filed by Charles Schlosser, Chapter 7 Trustee (“Plaintiff”) on November 15, 2005 (Docket #11);
- (2) the Motion for Summary Judgment filed by DaimlerChrysler Services N.A., LLC (“Defendant”) on November 29, 2005 (Docket #13);
- (3) the Defendant’s Response to Plaintiff’s Motion for Summary Judgment filed on November 30, 2005 (Docket #14);
- (4) the Plaintiff’s Response to Defendant’s Motion for Summary Judgment filed on December 14, 2005 (Docket #17); and
- (5) Plaintiff’s Trustee’s Motion to Amend Judgment filed on January 6, 2005.

In accordance with the Order (1) Granting Plaintiff’s Motion for Summary Judgment (Docket #11) and (2) Denying Defendant’s Motion for Summary Judgment (Docket #13) issued by

this Court on January 3, 2006, and the Court's Order Granting Plaintiff's Trustee's Motion to Amend Judgment issued by this Court concurrently herewith,

IT IS ORDERED AND ADJUDGED that the Plaintiff's Motion for Summary Judgment is GRANTED. Summary Judgment is granted in the Plaintiff's favor and against the Defendant on the Plaintiff's First Claim for Relief and the Defendant's lien on a 2005 Chrysler Crossfire, VIN 1C3AN65L35X025621 (the "Vehicle") is avoided as a preferential transfer pursuant to 11 U.S.C. § 547.

IT IS FURTHER ORDERED AND ADJUDGED that the lien shall be preserved for the benefit of the estate and Defendant shall assign its interest in the Contract and Security Agreement to the Plaintiff pursuant to 11 U.S.C. § 551, and the Colorado Department of Revenue, Division of Motor Vehicles, upon application by Trustee, shall issue a new title to the Vehicle free and clear of any lien of Defendant.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant's Motion for Summary Judgment is DENIED.

IT IS FURTHER ORDERED AND ADJUDGED Defendant shall turn over the original title to the Vehicle to Trustee.

IT IS FURTHER ORDERED that final judgment is entered in favor of the Plaintiff and against the Defendant in the amount of \$6,747.24 on Trustee's Second and Third Claims for Relief, plus reasonable costs in the amount of \$150.00.

Dated this 23rd day of January, 2006.

FOR THE COURT:

Bradford L. Bolton, Clerk

By: Linda Kimes  
Deputy

APPROVED AND ACCEPTED:

By: Sid Brooks  
Sidney B. Brooks  
U.S. Bankruptcy Judge