

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:11-cv-00186-MR-DLH**

<b>SYNOVUS BANK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>RANDY J. GARVEY,</b>	)	
	)	
<b>Defendant,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>KEITH VINSON, et al.,</b>	)	
	)	
<b>Third Party</b>	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Report of Bankruptcy Trustee [Doc. 49].

In response to the Court’s Order of February 4, 2014 [Doc. 48], the Defendant’s Trustee in Bankruptcy has filed a report advising of his determination to abandon any and all interest in the counterclaims and third-party claims asserted by the Defendant in this action. When a claim is abandoned by the trustee, the claim ceases to be a part of the bankruptcy estate and “reverts to the debtor and stands as if no bankruptcy petition

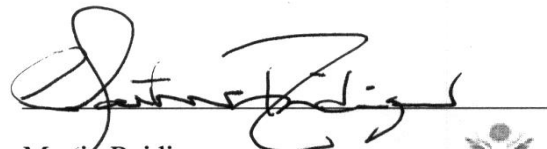
was filed.” Dewsnup v. Timm, 908 F.2d 588, 590 (10<sup>th</sup> Cir. 1990). In light of the Bankruptcy Trustee’s abandonment of Defendant’s counterclaims and third-party claims, the Court will lift the stay of this action so as to permit the prosecution of such claims.

**IT IS, THEREFORE, ORDERED** that the stay of this action is lifted with respect to the Defendant’s counterclaims and third-party claims only. This action remains stayed with respect to the Plaintiff’s claims against the Defendant.

**IT IS FURTHER ORDERED** that within fourteen (14) days of the entry of this Order, Defendant Garvey shall advise the Court in writing whether he intends to pursue these counterclaims and third-party claims. Should the Defendant indicate that he intends to litigate such claims, the Court will enter an amended scheduling order.

**IT IS SO ORDERED.**

Signed: March 6, 2014

  
Martin Reidinger  
United States District Judge 