

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG DIVISION**

In re: HEATER, JOSEPH WAYNE  
HEATER, SHANA JOLENE

§ Case No. 1:16-01135-PMF  
§  
§  
§

Debtor(s)

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**TRUSTEE'S FINAL REPORT (TFR)**

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed on November 04, 2016. The undersigned trustee was appointed on November 04, 2016.
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized the gross receipts of \$ 12,500.00

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>0.00</u>
Administrative expenses	<u>0.00</u>
Bank service fees	<u>47.09</u>
Other payments to creditors	<u>0.00</u>
Non-estate funds paid to 3rd Parties	<u>0.00</u>
Exemptions paid to the debtor	<u>0.00</u>
Other payments to the debtor	<u>0.00</u>
Leaving a balance on hand of <sup>1</sup>	<u>\$ 12,452.91</u>

The remaining funds are available for distribution.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

<sup>1</sup> The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. § 326(a) on account of the disbursement of the additional interest.

6. The deadline for filing non-governmental claims in this case was 09/11/2017 and the deadline for filing governmental claims was 05/03/2017. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$2,000.00. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$2,000.00, for a total compensation of \$2,000.00.<sup>2</sup>In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$31.69, for total expenses of \$31.69.<sup>2</sup>

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 09/17/2017 By: /s/MARTIN P. SHEEHAN

Trustee

**STATEMENT:** This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

<sup>2</sup>If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D)

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 1:16-01135-PMF  
Case Name: HEATER, JOSEPH WAYNE  
HEATER, SHANA JOLENE  
Period Ending: 09/17/17

Trustee: (680060) MARTIN P. SHEEHAN  
Filed (f) or Converted (c): 11/04/16 (f)  
§341(a) Meeting Date: 12/22/16  
Claims Bar Date: 09/11/17

1	2	3	4	5	6	
Ref. #	Asset Description (Scheduled And Unscheduled (u) Property)	Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property Abandoned OA=\$554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	52 Swisher Ln, Fairmont, WV 26554-9620, Marion C Imported from original petition Doc# 1	108,000.00	0.00		0.00	FA
2	West Gate Lakes 10000 Turkey Lake Rd, Orlando, F Imported from original petition Doc# 1	1,000.00	0.00		0.00	FA
3	418 Freemans Creek Rd, Camden, WV 26338-8011, Le Imported from original petition Doc# 1	2,000.00	0.00		0.00	FA
4	Cash	150.00	0.00	OA	0.00	FA
5	Checking Account: Citizens Bank	600.00	0.00	OA	0.00	FA
6	Savings Account: BB&T Bank	330.00	0.00	OA	0.00	FA
7	Savings Account: Fairmont Federal Credit Union	100.00	0.00	OA	0.00	FA
8	Range, Refrigerator, 2 Freezers, Washer & Dryer,	5,000.00	0.00	OA	0.00	FA
9	4 TVs, 3 DVD players, Computer & I-Pad	1,200.00	0.00	OA	0.00	FA
10	Assorted clothing	30.00	30.00	OA	0.00	FA
11	Assorted clothing	30.00	0.00	OA	0.00	FA
12	Wedding band	30.00	0.00	OA	0.00	FA
13	Wedding jewelry	500.00	0.00	OA	0.00	FA
14	5 Firearms	2,000.00	0.00	OA	0.00	FA
15	Brokerage Account Edward Jones. Latest value taken from May 2017 statement; agreed to settlement amount of \$12,500	37,000.00	0.00		12,500.00	FA
16	Brokerage Account Edward Jones Imported from original petition Doc# 1	1,200.00	1,200.00		0.00	FA
17	Brokerage Account Edward Jones Imported from original petition Doc# 1	1,200.00	0.00		0.00	FA
18	2005 Dodge Ram 3500 68,000 Miles. Entire propert	20,000.00	0.00	OA	0.00	FA
19	2011 Chevrolet Suburban 88,000 Miles. Entire pro	13,000.00	0.00	OA	0.00	FA
20	2012 Keystone Residence 42ft. pull behind traile	20,000.00	0.00	OA	0.00	FA
21	2005 Kawasaki Brute Force. Entire property value	1,500.00	0.00	OA	0.00	FA
22	2008 Polaris 90 Outlaw. Entire property value: \$	1,000.00	0.00	OA	0.00	FA

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 1:16-01135-PMF  
Case Name: HEATER, JOSEPH WAYNE  
HEATER, SHANA JOLENE  
Period Ending: 09/17/17

Trustee: (680060) MARTIN P. SHEEHAN  
Filed (f) or Converted (c): 11/04/16 (f)  
§341(a) Meeting Date: 12/22/16  
Claims Bar Date: 09/11/17

1		2	3	4	5	6
Asset Description (Scheduled And Unscheduled (u) Property)		Petition/ Unscheduled Values	Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	Property <u>Abandoned</u> OA=\$554(a)	Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
Ref. #						
23	Cat	2.00	0.00	OA	0.00	FA
23	Assets Totals (Excluding unknown values)	\$215,872.00	\$1,230.00		\$12,500.00	\$0.00

Major Activities Affecting Case Closing:

6/26/17 – funds received; waiting for claims bar date (9/11/17)

5/24/17 – Case reopened; awaiting funds from debtor to settle unexempt brokerage account funds

1/30/17 – Withdrew Asset Designation and filed NDR

12/5/16 – Order entered authorizing rule 2004 Exam of representative of Edward Jones, Inc. concerning accounts maintained by debtors

Initial Projected Date Of Final Report (TFR): November 30, 2017

Current Projected Date Of Final Report (TFR): November 30, 2017

## Form 2 Cash Receipts And Disbursements Record

Case Number: 1:16-01135-PMF  
 Case Name: HEATER, JOSEPH WAYNE  
 HEATER, SHANA JOLENE  
 Taxpayer ID #: \*\*\_\*\*\*2882  
 Period Ending: 09/17/17

Trustee: MARTIN P. SHEEHAN (680060)  
 Bank Name: Rabobank, N.A.  
 Account: \*\*\*\*\*2166 - Checking Account  
 Blanket Bond: \$3,000,000.00 (per case limit)  
 Separate Bond: N/A

1	2	3	4		5	6	7
Trans. Date	{Ref #} / Check #	Paid To / Received From	Description of Transaction	T-Code	Receipts \$	Disbursements \$	Checking Account Balance
06/26/17	{15}	Edward Jones	Brokerage Funds	1129-000	12,500.00		12,500.00
06/30/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		10.00	12,490.00
07/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		17.36	12,472.64
08/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		19.73	12,452.91

ACCOUNT TOTALS	12,500.00	47.09	\$12,452.91
Less: Bank Transfers	0.00	0.00	
Subtotal	12,500.00	47.09	
Less: Payments to Debtors		0.00	
NET Receipts / Disbursements	\$12,500.00	\$47.09	

TOTAL - ALL ACCOUNTS	Net Receipts	Net Disbursements	Account Balances
Checking # *****2166	12,500.00	47.09	12,452.91
	\$12,500.00	\$47.09	\$12,452.91

**EXHIBIT C**  
**ANALYSIS OF CLAIMS REGISTER**

**Claims Bar Date:** September 11, 2017

**Case Number:** 1:16-01135-PMF

Page: 1

**Date:** September 17, 2017

**Debtor Name:** HEATER, JOSEPH WAYNE

**Time:** 01:09:12 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
200	MARTIN P. SHEEHAN BANKRUPTCY TRUSTEE 41 FIFTEENTH STREET WHEELING, WV 26003-2941	Admin Ch. 7		\$2,000.00	\$0.00	2,000.00
200	MARTIN P. SHEEHAN BANKRUPTCY TRUSTEE 41 FIFTEENTH STREET WHEELING, WV 26003-2941	Admin Ch. 7		\$31.69	\$0.00	31.69
1 100	FAIRMONT FEDERAL CREDIT UNION PO BOX 2139 FAIRMONT, WV 26555-2139	Secured		\$0.00	\$0.00	0.00
2 610	DISCOVER BANK DISCOVER PRODUCTS INC PO BOX 3025 NEW ALBANY, OH 43054-3025	Unsecured		\$6,748.42	\$0.00	6,748.42
3 610	QUANTUM3 GROUP LLC AS AGENT FOR COMENITY BANK PO BOX 788 KIRKLAND, WA 98083-0788	Unsecured		\$6,680.03	\$0.00	6,680.03
4 610	QUANTUM3 GROUP LLC AS AGENT FOR COMENITY BANK PO BOX 788 KIRKLAND, WA 98083-0788	Unsecured		\$615.27	\$0.00	615.27
5 610	CAPITAL ONE, N.A. C/O BECKET AND LEE LLP PO BOX 3001 MALVERN, PA 19355-0701	Unsecured		\$1,539.50	\$0.00	1,539.50
<< Totals >>				17,614.91	0.00	17,614.91

**TRUSTEE'S PROPOSED DISTRIBUTION**

Exhibit D

Case No.: 1:16-01135-PMF  
Case Name: HEATER, JOSEPH WAYNE  
Trustee Name: MARTIN P. SHEEHAN

**Balance on hand:** \$ 12,452.91

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	FAIRMONT FEDERAL CREDIT UNION	30,934.97	0.00	0.00	0.00

Total to be paid to secured creditors: \$ 0.00

Remaining balance: \$ 12,452.91

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees - MARTIN P. SHEEHAN	2,000.00	0.00	2,000.00
Trustee, Expenses - MARTIN P. SHEEHAN	31.69	0.00	31.69

Total to be paid for chapter 7 administration expenses: \$ 2,031.69

Remaining balance: \$ 10,421.22

Applications for prior chapter fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
None			

Total to be paid for prior chapter administrative expenses: \$ 0.00

Remaining balance: \$ 10,421.22

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for priority claims: \$ 0.00  
 Remaining balance: \$ 10,421.22

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$ 15,583.22 have been allowed and will be paid pro rata only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 66.9 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
2	DISCOVER BANK	6,748.42	0.00	4,512.98
3	QUANTUM3 GROUP LLC AS AGENT FOR	6,680.03	0.00	4,467.25
4	QUANTUM3 GROUP LLC AS AGENT FOR	615.27	0.00	411.46
5	CAPITAL ONE, N.A.	1,539.50	0.00	1,029.53

Total to be paid for timely general unsecured claims: \$ 10,421.22  
 Remaining balance: \$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$ 0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for tardy general unsecured claims: \$ 0.00  
 Remaining balance: \$ 0.00



Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$ 0.00 have been allowed and will be paid pro rata only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

Claim No	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for subordinated claims: \$ 0.00

Remaining balance: \$ 0.00

**Trustee's Compensation****Debtor:** HEATER, JOSEPH WAYNE**Case:** 16-01135**Computation of Compensation**

Total disbursements to other than the debtor are:		12,500.00
Pursuant to 11 U.S.C. 326, compensation is computed as follows:		
25% of First \$5,000	5,000.00 =	1,250.00
10% of Next \$45,000	7,500.00 =	750.00
5% of Next \$950,000	0.00 =	0.00
3% of Balance	0.00 =	0.00
	<b>Calculated Total Compensation:</b>	<b>\$2,000.00</b>
	Plus Adjustment:	0.00
	<b>Total Compensation:</b>	<b>\$2,000.00</b>
	Less Previously Paid:	0.00
	<b>Total Compensation Requested:</b>	<b>\$2,000.00</b>

**Trustee Expenses**

Premium on Trustee's Bond		0.00
Travel	0.0 miles at 0.0 cents per mile	0.00
Copies	3 copies at 25.0 cents per copy	0.75
Postage		0.94
Telephone Charges		0.00
Clerical / Secretarial	0.00 hours at 0.00 dollars per hour	0.00
Paralegal Assistance	0.00 hours at 0.00 dollars per hour	0.00
Supplies / Stationery		10.00
Distribution Expenses		20.00
Professional Expenses		0.00
Other Expenses		0.00
Other Expenses 2		0.00
	<b>Subtotal Expenses:</b>	<b>\$31.69</b>
	Plus Adjustment:	0.00
	<b>Total Expenses:</b>	<b>\$31.69</b>
	Less Previously Paid:	0.00
	<b>Total Expenses Requested:</b>	<b>\$31.69</b>

The undersigned Trustee certifies under penalty of perjury that the foregoing is true and correct to the best of his/her knowledge and requests the United States Trustee to approve this report and accounts and requests the Court to provide for notice and opportunity for a hearing under 11 U.S.C. 330(a), 502(b), and 503(b) and to thereafter award final compensation or reimbursement of expenses and to make final allowance for the purposes of distribution to claims, administrative expenses, and other payments stated in this report and account.

WHEREFORE, the Trustee requests that this application be approved by this Court and that the Trustee be granted an allowance of \$2,000.00 as compensation and \$31.69 for reimbursement of expenses. The Trustee further states that no payments have been made or promised to him/her for services rendered or to be rendered in any capacity in this case. No agreement or understanding exists between applicant and any other person for sharing compensation received or to be received.

Dated: 09/17/17

Signed: /s/ MARTIN P. SHEEHAN

MARTIN P. SHEEHAN  
 BANKRUPTCY TRUSTEE  
 41 FIFTEENTH STREET  
 WHEELING, WV 26003-2941