

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

In re: HOWELL, LESTER R.

§ Case No. 5:17-01065-PMF

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Debtor(s)

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 October 31, 2017. The undersigned trustee was appointed on November 01, 2017.
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 \$ 95,000.00

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>0.00</u>
Administrative expenses	<u>48,463.12</u>
Bank service fees	<u>74.40</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>15,000.00</u>
Other payments to the debtor	<u>0.00</u>
Leaving a balance on hand of ¹	<u>\$ 31,462.48</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.

¹ 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 04/26/2018 and the deadline for filing governmental claims was 04/29/2018. 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 \$7,250.00. 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 \$7,250.00, for a total compensation of \$7,250.00.²In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$32.23, for total expenses of \$32.23.²

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

Date: 05/13/2022 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.

²If 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: 5:17-01065-PMF

Trustee: (680060) MARTIN P. SHEEHAN

Case Name: HOWELL, LESTER R.

Filed (f) or Converted (c): 10/31/17 (f)

§341(a) Meeting Date: 12/08/17

Period Ending: 05/13/22

Claims Bar Date: 04/26/18

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	27 STEVENSON AVENUE, CHESTER, WV 26034-0000, HAN Lien: An agreement you made (such as mortgage or secured car loan) 27 Stevenson Avenue Chester, WV 26034 Hancock County Value \$23,520.00 - Amount: 34999.31	23,520.00	0.00		0.00	FA
2	CASH Exemption: TV - Amount: 20.00; Exemption: Cash - Amount: 20.00	20.00	0.00	OA	0.00	FA
3	CHECKING ACCT.: FIRST CHOICE AMERICA (1/2 INTERE Exemption: Checking Acct.: First Choice America (1/2 interest) - Amount: 198.89	198.89	0.00	OA	0.00	FA
4	SAVINGS ACCT.: FIRST CHOICE AMERICA (1/2 INTERES Exemption: Savings Acct.: First Choice America (1/2 interest) - Amount: 1008.64	1,008.64	0.00	OA	0.00	FA
5	DEPOSITS OF MONEY: SAVINGS ACCT.: FIRST CHOICE A Exemption: Savings Acct.: First Choice America (1/2 interest) - Amount: 7.59	7.59	0.00	OA	0.00	FA
6	FURNITURE AND APPLIANCES (1/2 INTEREST) Exemption: Furniture and Appliances (1/2 interest) - Amount: 1500.00	1,500.00	0.00	OA	0.00	FA
7	TV	20.00	20.00	OA	0.00	FA
8	LAWN MOWER Exemption: Lawn Mower - Amount: 600.00	600.00	0.00	OA	0.00	FA
9	CLOTHING Exemption: Clothing - Amount: 100.00	100.00	0.00	OA	0.00	FA
10	2 RINGS; NECKLACE Exemption: 2 Rings; Necklace - Amount: 150.00	150.00	0.00	OA	0.00	FA
11	INT. IN INS. POLICIES: WESTERN & SOUTHERN LIFE	249.58	0.00	OA	0.00	FA

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Period Ending: 05/13/22

Claims Bar Date: 04/26/18

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. #					
	Exemption: Western & Southern Life - Amount: 249.58				
12	PERSONAL INJURY SLIP & FALL 2/4/17	Unknown	0.00	95,000.00	FA
13	2012 FORD F-150 Exemption: 2012 Ford F-150 - Amount: 390.20; Lien: An agreement you made (such as mortgage or secured car loan) 2012 Ford F-150 Value \$20,225.00 - Amount: 19834.80	20,225.00	0.00	0.00	FA
14	1949 CHEVROLET PICKUP TRUCK Exemption: 1949 Chevrolet Pickup Truck - Amount: 10000.00	10,000.00	0.00	0.00	FA
15	2 DOGS Exemption: 2 Dogs - Amount: 40.00	40.00	0.00	0.00	FA
16	SHADOW LAWN CEMETERY PLOT Exemption: Shadow Lawn Cemetery Plot - Amount: 500.00	500.00	0.00	0.00	FA
16	Assets Totals (Excluding unknown values)	\$58,139.70	\$20.00	\$95,000.00	\$0.00

Major Activities Affecting Case Closing:

4/17/22 -- Filed Motion to Pay Attorney Fees for MPS; Objections due by 5/11/2022, then TFR.

3/4/22 -- Order resolving AP 21--00027 entered at document #26; awaiting settlement proceeds

2/22/22 -- Filed Motion to Approve Settlement with debtor; Objections due by 3/17/2022

1/3/122 -- Filed Motion to Approve Settlement Among Lester R. Howell, Executor of the Decedent's Estate of Carolyn Leigh Howell, and Lester R. Howell, pro se, and Bankruptcy Trustee

1/26/22 -- Sent correspondence and proposed settlement agreement to POA of Lester Howell re: division of settlement proceeds between Debtor's estate and Decedant Wife's Estate. Agreed that \$110,000 would result in \$95,000 being allocated to the Bkry Estate of Lester Howell.

1/25/22 -- Telephonic Hearing scheduled for 2/9/2022 at 09:30 AM on Motion to Disqualify Counsel to permit Debtor to obtain counsel

1/5/22 -- Filed (1) Objection to Motion for Approval of Amount and Permission to Pay Administrative Expenses; (2) Motion to Disqualify Counsel; Telephonic Hearing scheduled for 1/25/2022 at 11:00 AM held

11/30/21 -- Filed Motion to Employ MPS as Trustee's attorney; Objections due by 12/14/2021

11/18/21 -- Motion to Approve Settlement filed by Trustee Martin P. Sheehan). Objections due by 12/13/2021

11/17/21 -- Adversary case 5:21-ap-00027. Complaint for Turnover of Property of the Bankruptcy Estate and for Contempt

10/26/21 -- sent letter to atty Gorman re: settlement requirements

10/12/21 -- Received inquiry re: case status from Atty Villanova; responded with request for settlement numbers for Mr. and Mrs. Howell's PI cases

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Case Number: 5:17-01065-PMF

Trustee: (680060) MARTIN P. SHEEHAN

Case Name: HOWELL, LESTER R.

Filed (f) or Converted (c): 10/31/17 (f)

§341(a) Meeting Date: 12/08/17

Period Ending: 05/13/22

Claims Bar Date: 04/26/18

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

9/5/21 -- Emailed Atty Villanova re: Settlement

6/7/2021 -- s/w Atty Villanova. Trial to begin the week of 6/14/2021

1/25/2021 -- Sent email to PI Attorney requesting update

10/28/20 -- Atty Kellie Rogers withdrawn as counsel

4/7/20 -- unable to resolve this matter in mediation. This case is scheduled for trial in October 2020

4/5/20 -- Sent request for update post-mediation

2/3/20 -- Update received from Atty Metro -- Mediation scheduled for 2/27

2/2/20 -- Sent request for update on civil litigation

12/11/18 -- Filed Notice of Abandonment of all personal property except litigation

9/9/18 -- Sent request for update on pending litigation

3/28/18 -- Order entered approving employment of Atty Metro; sent copy to atty.

3/11/18 -- Filed Motion to Employ Atty Metro; Objections due by 3/26/2018

1/24/18 -- emailed PI letter and affidavit for signature; then file Motion to Employ

1/23/18 - s/w Atty. Metro -- employing for PI case; similar case settled for approximately \$200,000; debtor had significant medical costs

Initial Projected Date Of Final Report (TFR): January 30, 2019

Current Projected Date Of Final Report (TFR): June 30, 2022

Form 2 Cash Receipts And Disbursements Record

Case Number: 5:17-01065-PMF
Case Name: HOWELL, LESTER R.
Taxpayer ID #: **-***4103
Period Ending: 05/13/22

Trustee: MARTIN P. SHEEHAN (680060)
Bank Name: Metropolitan Commercial Bank
Account: *****7782 - Checking Account
Blanket Bond: \$3,000,000.00 (per case limit)
Separate Bond: N/A

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
03/21/22		James Villanova Attorney at Law	SETTLEMENT PROCEEDS		46,536.88		46,536.88
	{12}	JAMES VILLANOVA, ESQ	SETTLEMENT PROCEEDS 95,000.00	1129-000			46,536.88
		VILLANOVA LAW OFFICES	TRUSTEE'S ATTY EXPENSES -12,863.12	3210-000			46,536.88
		VILLANOVA LAW OFFICES	TRUSTEE'S ATTY FEES -35,600.00	3210-000			46,536.88
03/29/22	101	LESTER HOWELL	EXEMPT FUNDS - LITIGATION PROCEEDS	8100-002		15,000.00	31,536.88
03/31/22		Metropolitan Commercial Bank	Bank and Technology Services Fee	2600-000		22.37	31,514.51
04/29/22		Metropolitan Commercial Bank	Bank and Technology Services Fee	2600-000		52.03	31,462.48

ACCOUNT TOTALS	46,536.88	15,074.40	\$31,462.48
Less: Bank Transfers	0.00	0.00	
Subtotal	46,536.88	15,074.40	
Less: Payments to Debtors		15,000.00	
NET Receipts / Disbursements	\$46,536.88	\$74.40	

Net Receipts :	46,536.88
Plus Gross Adjustments :	48,463.12
Less Payments to Debtor :	15,000.00
Net Estate :	\$80,000.00

	Net Receipts	Net Disbursements	Account Balances
TOTAL - ALL ACCOUNTS			
Checking # *****7782	46,536.88	74.40	31,462.48
	46,536.88	74.40	\$31,462.48

EXHIBIT C
ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: April 26, 2018

Case Number: 5:17-01065-PMF
Debtor Name: HOWELL, LESTER R.

Page: 1

Date: May 13, 2022
Time: 01:43:00 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
200	MARTIN P. SHEEHAN BANKRUPTCY TRUSTEE 1 COMMUNITY STREET, SUITE 200 WHEELING, WV 26003	Admin Ch. 7		\$7,250.00	\$0.00	7,250.00
200	MARTIN P. SHEEHAN BANKRUPTCY TRUSTEE 1 COMMUNITY STREET, SUITE 200 WHEELING, WV 26003	Admin Ch. 7		\$32.23	\$0.00	32.23
ATTYEXP 200	VILLANOVA LAW OFFICES 16 CHATHAM SQUARE PITTSBURGH, PA 15219	Admin Ch. 7		\$12,863.12	\$12,863.12	0.00
ATTYFEE 200	VILLANOVA LAW OFFICES 16 CHATHAM SQUARE PITTSBURGH, PA 15219	Admin Ch. 7		\$35,600.00	\$35,600.00	0.00
ATTYMPS 200	SHEEHAN & ASSOCIATES PLLC 41 FIFTEENTH STREET WHEELING, WV 26003	Admin Ch. 7		\$4,260.00	\$0.00	4,260.00
HUMANA 505	KOLB CLARE & ARNOLD V/B/O ANTHEM ATTN: ZACHARY S. HOLT 9400 WILLIAMSBURG PLAZA, STE 200 LOUISVILLE, KY 40222	Priority	Humana Financial Recovery Subrogation - Medicare Lien SUBROGATED AGAINST THE LITIGATION RECOVERY PER ORDER OF COURT ORDER DATED 3/18/22	\$14,431.38	\$0.00	14,431.38
EXEMPT 100	LESTER HOWELL c/o MARNIE LAMB 1038 PHOENIX AVE CHESTER, WV 26034	Secured		\$15,000.00	\$15,000.00	0.00
1 610	DISCOVER BANK DISCOVER PRODUCTS INC PO BOX 3025 NEW ALBANY, OH 43054-3025	Unsecured	8235 Discover Credit Card - Last payment 7/7/217; charged off 1/31/2018	\$24,114.60	\$0.00	24,114.60
2 610	DEPARTMENT STORES NATIONAL BANK C/O QUANTUM3 GROUP LLC PO BOX 657 KIRKLAND, WA 98083-0657	Unsecured	0070 Macy's Credit Card - Last Payment Date 6/15/17; Charge Off Date 12/03/2017	\$797.73	\$0.00	797.73
3 610	PORTFOLIO RECOVERY ASSOCIATES, LLC PO Box 12914 NORFOLK, VA 23541	Unsecured	1320 Lowes Credit Card - Last payment Date 5/18/17; Charge off Date 12/13/17	\$6,982.37	\$0.00	6,982.37
4 610	QUANTUM3 GROUP LLC AS AGENT FOR COMENITY BANK PO BOX 788 KIRKLAND, WA 98083-0788	Unsecured	0822 Kay Jewelers - Last payment date 8/17/17; Charge Off Date 1/12/18	\$866.38	\$0.00	866.38
5 610	PYOD, LLC ITS SUCCESSORS AND ASSIGNS AS ASSIGNEE OF CITIBANK, N.A. RESURGENT CAPITAL SERVICES,PO BOX 19008	Unsecured	9742 Citibank, N.A. Credit - Last Payment Date 5/12/17; Charge Off Date 12/3/17	\$5,677.00	\$0.00	5,677.00

EXHIBIT C
ANALYSIS OF CLAIMS REGISTER

Claims Bar Date: April 26, 2018

Case Number: 5:17-01065-PMF
Debtor Name: HOWELL, LESTER R.

Page: 2

Date: May 13, 2022
Time: 01:43:00 PM

Claim #	Creditor Name & Address	Claim Type	Claim Ref. No. / Notes	Amount Allowed	Paid to Date	Claim Balance
	GREENVILLE, SC 29602					
<< Totals >>				127,874.81	63,463.12	64,411.69

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 5:17-01065-PMF
Case Name: HOWELL, LESTER R.
Trustee Name: MARTIN P. SHEEHAN

Balance on hand: \$ 31,462.48

Claims of secured creditors will be paid as follows:

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

Total to be paid to secured creditors: \$ 0.00

Remaining balance: \$ 31,462.48

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	7,250.00	0.00	7,250.00
Trustee, Expenses - MARTIN P. SHEEHAN	32.23	0.00	32.23
Attorney for Trustee, Fees - SHEEHAN & ASSOCIATES PLLC	4,260.00	0.00	4,260.00
Attorney for Trustee Fees - VILLANOVA LAW OFFICES	48,463.12	48,463.12	0.00

Total to be paid for chapter 7 administration expenses: \$ 11,542.23

Remaining balance: \$ 19,920.25

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: \$ 19,920.25

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$14,431.38 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
HUMANA	KOLB CLARE & ARNOLD V/B/0 ANTHEM	14,431.38	0.00	14,431.38

Total to be paid for priority claims: \$ 14,431.38
 Remaining balance: \$ 5,488.87

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 \$ 38,438.08 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 14.3 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
1	DISCOVER BANK	24,114.60	0.00	3,443.51
2	DEPARTMENT STORES NATIONAL BANK	797.73	0.00	113.91
3	PORTFOLIO RECOVERY ASSOCIATES, LLC	6,982.37	0.00	997.07
4	QUANTUM3 GROUP LLC AS AGENT FOR	866.38	0.00	123.72
5	PYOD, LLC ITS SUCCESSORS AND ASSIGNS AS ASSIGNEE	5,677.00	0.00	810.66

Total to be paid for timely general unsecured claims: \$ 5,488.87
 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: HOWELL, LESTER R.

Case: 17-01065

Computation of Compensation

Total disbursements to other than the debtor are:		80,000.00
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	45,000.00 =	4,500.00
5% of Next \$950,000	30,000.00 =	1,500.00
3% of Balance	0.00 =	0.00
Calculated Total Compensation:		\$7,250.00
Plus Adjustment:		0.00
Total Compensation:		\$7,250.00
Less Previously Paid:		0.00
Total Compensation Requested:		\$7,250.00

Trustee Expenses

Premium on Trustee's Bond		0.00
Travel	0.0 miles at 0.0 cents per mile	0.00
Copies	6 copies at 25.0 cents per copy	1.50
Postage		0.73
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		0.00
Distribution Expenses		30.00
Professional Expenses		0.00
Other Expenses		0.00
Other Expenses 2		0.00
Subtotal Expenses:		\$32.23
Plus Adjustment:		0.00
Total Expenses:		\$32.23
Less Previously Paid:		0.00
Total Expenses Requested:		\$32.23

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 \$7,250.00 as compensation and \$32.23 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: 05/13/22

Signed: /s/ MARTIN P. SHEEHAN

MARTIN P. SHEEHAN
 BANKRUPTCY TRUSTEE
 1 COMMUNITY STREET, SUITE 200
 WHEELING, WV 26003