

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

In re: Johnson, Dorothy N.

§ Case No. 19-00393

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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 10/14/2020. The undersigned trustee was appointed on 10/15/2020.

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 \$ 172,227.08

Funds were disbursed in the following amounts:

Payments made under an interim distribution	<u>0.00</u>
Administrative expenses	<u>55,007.70</u>
Bank service fees	<u>0.00</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>102,219.38</u>

The remaining funds are available for distribution.

¹The 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.

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

6. The deadline for filing non-governmental claims in this case was 02/03/2021 and the deadline for filing governmental claims was 02/03/2021. 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 \$11,111.35. 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 \$11,111.35, for a total compensation of \$11,111.35². In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$0.00 for total expenses of \$0.00².

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

Date: 11/22/2022

By: /s/ Thomas H. Fluharty
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

Exhibit A
Page: 1

Case No.: 19-00393

Case Name: Johnson, Dorothy N.

Trustee Name: (680230) Thomas H. Fluharty

Date Filed (f) or Converted (c): 10/14/2020 (f)

§ 341(a) Meeting Date: 06/07/2019

For Period Ending: 11/22/2022

Claims Bar Date: 02/03/2021

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Formally Abandoned OA=§554(a) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	134 Grove Farm Lane, Martinsburg, WV 25404-0000, Berkeley County	130,200.00	2,396.95	0.00	FA
2	2014 Mercedes 250 CLA, 52000 miles	20,000.00	0.00	0.00	FA
3	2011 Dodge Charger, 127000 miles	8,000.00	0.00	0.00	FA
4	2009 BMW 328i, 164000 miles	6,000.00	0.00	0.00	FA
5	couch, table, chair, washer dryer, bed room sets x3 microwave, smart tv, 2 other tvs	4,000.00	0.00	0.00	FA
6	2 laptops	400.00	0.00	0.00	FA
7	clothes	200.00	0.00	0.00	FA
8	jewelry	500.00	0.00	0.00	FA
9	dog	10.00	0.00	0.00	FA
10	Cash	30.00	0.00	0.00	FA
11	Checking: Bank of Charles Town	400.00	0.00	0.00	FA
12	Savings: bank of Charles Town	10.00	0.00	0.00	FA
13	Stiletto Lounge LLC, 100% ownership	10.00	0.00	0.00	FA
14	401 (k): TRDS Account	11,000.00	0.00	0.00	FA
15	Pension: vallue Teachers Plus	11,000.00	0.00	0.00	FA
16	2018 tax: Federal	3,000.00	0.00	0.00	FA
17	2018: State	967.00	0.00	0.00	FA
18*	Monsanto / Roundup litigation (u) (See Footnote)	0.00	97,266.00	172,227.08	FA
18	Assets Totals (Excluding unknown values)	\$195,727.00	\$99,662.95	\$172,227.08	\$0.00

RE PROP# 18 William Walsh, Esquire, Weitz & Luxenberg 212-558-5836, attorneys handling lawsuit.

Form 1
Individual Estate Property Record and Report
Asset Cases

Exhibit A

Page: 2

Case No.: 19-00393

Case Name: Johnson, Dorothy N.

For Period Ending: 11/22/2022

Trustee Name: (680230) Thomas H. Fluharty

Date Filed (f) or Converted (c): 10/14/2020 (f)

§ 341(a) Meeting Date: 06/07/2019

Claims Bar Date: 02/03/2021

Major Activities Affecting Case Closing:

10-27-22: Mimi called from special counsel's office, a refund will be forth coming, she will have it sent to the Estate. // corresponded with UST to withdraw final report.
10-18-22: emailed final report to UST for review.
10-12-22: drafted final report
10-10-22: paid debtor's exemption & sp counsel fees & expenses.
10-6-22: drafted distribution report for final report.
10-3-22: received funds from sp. counsel on settlement, deposited.
9-6-22: filed motion to amend order adding co counsel.
8-12-22: TC w/Weitz & Luxenberg re: compromise & co-counsel; will draft amended motion to add co-counsel.
8-8-22: called atty's office re: co counsel, left 2 messages.
7-11-22: debtor called, she is upset and wants to contest the settlement, because she will not owe her student loans after next year, she can not get in touch with Mr. Kratovil, her attorney and she does not know what to do. I told her she will have to speak with her attorney. I called Mr. Kratovil's office spoke with paralegal, they will call & send a letter to her.
7-8-22: filed motion compromise settlement.
7-1-22: draft motion to compromise settlement.
6-14-22: atty replied, they have reached a base settlement, debtor has applied for supplemental consideration, the supplemental may not pay out until end of this year or early next year.
6-9-22: emailed attorney handling the lawsuit for an update.
6-8-22: attn to file.
2-2-22: attn to update on lawsuit (corresp) from attorney.
9-17-21: atty responded, settlement amounts have been released, first payment will occur in a few months, second payment will occur in early 2022. Trustee should receive a breakdown in few weeks.
9-16-21: emailed attorney Mr. Walsh for update on lawsuit w/Monsanto.
7-6-21: emailed attorney Walsh for update on case.
6-1-21: emailed attorney for update on case.
3-30-21: email corresp to atty - update on case. // his response: case has moved into next phase, conducting independent settlement allocation reviews; anticipated to be completed during spring of 2021, then will possibly know amounts allocated to claims.
1-5-21: Court entered order approving counsel's employment.
12-15-20: filed appl employ atty to pursue RoundUp case.
10-28-2020: amended Form 1.
10-14-2020: Court reopened case / THF appointed Trustee.
9-17-2020: UST filed motion to reopen case, new asset found.

Initial Projected Date Of Final Report (TFR): 09/30/2022

Current Projected Date Of Final Report (TFR): 10/18/2022 (Actual)

Form 2

Exhibit B

Page: 1

Cash Receipts And Disbursements Record

Case No.: 19-00393
 Case Name: Johnson, Dorothy N.
 Taxpayer ID #: **_***9166
 For Period Ending: 11/22/2022

Trustee Name: Thomas H. Fluharty (680230)
 Bank Name: Metropolitan Commercial Bank
 Account #: *****9052 Checking
 Blanket Bond (per case limit): \$3,000,000.00
 Separate Bond (if applicable): N/A

1	2	3	4	5	6	7	
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
10/03/22		Weitz & Luxenberg, P.C.	personal injury settlement proceeds		159,748.80		159,748.80
	{18}		gross personal injury settlement proceeds \$160,498.80	1249-000			
			Archer has retained this as a holdback amount / EIF claim -\$750.00	3991-000			
10/10/22	101	Dorothy N. Johnson	exemption	8100-002		15,000.00	144,748.80
10/10/22	102	Weitz & Luxenberg, P.C.	special counsel fees	3210-600		53,499.60	91,249.20
10/10/22	103	Weitz & Luxenberg, P.C.	special counsel expenses	3220-610		758.10	90,491.10
11/21/22	{18}	Weitz & Luxenberg, P.C.	final settlement proceeds in Roundup lawsuit	1249-000	11,728.28		102,219.38

COLUMN TOTALS	171,477.08	69,257.70	\$102,219.38
Less: Bank Transfers/CDs	0.00	0.00	
Subtotal	171,477.08	69,257.70	
Less: Payments to Debtors		15,000.00	
NET Receipts / Disbursements	\$171,477.08	\$54,257.70	

Form 2

Cash Receipts And Disbursements Record

Case No.: 19-00393
Case Name: Johnson, Dorothy N.
Taxpayer ID #: **_***9166
For Period Ending: 11/22/2022

Trustee Name: Thomas H. Fluharty (680230)
Bank Name: Metropolitan Commercial Bank
Account #: *****9052 Checking
Blanket Bond (per case limit): \$3,000,000.00
Separate Bond (if applicable): N/A

Net Receipts:	\$171,477.08
Plus Gross Adjustments:	\$750.00
Less Payments to Debtor:	\$15,000.00
Less Other Noncompensable Items:	\$0.00
Net Estate:	\$157,227.08

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCES
*****9052 Checking	\$171,477.08	\$54,257.70	\$102,219.38
	\$171,477.08	\$54,257.70	\$102,219.38

**Exhibit C
Claims Register**

Case: 19-00393 DOROTHY N. JOHNSON

Claims Bar Date: 2/3/21 12:00

Claim #	Claimant Name/ <Category>, Priority	Claim Type/ Date Filed	Acct#/ Memo/Journal	Amount Filed/ Allowed	Paid to Date	Claim Balance
EXEMPT	Dorothy N. Johnson 70 Castle Rock Lane Martinsburg, WV 25405 <8100-00 Exemptions>, 100	Secured 10/06/22		\$ 15,000.00 \$ 15,000.00	\$15,000.00	\$0.00
FEE	Thomas H. Fluharty 408 Lee Avenue Clarksburg, WV 26301 <2100-00 Trustee Compensation>, 200	Admin Ch. 7 10/06/22		\$ 11,111.35 \$ 11,111.35	\$0.00	\$11,111.35
SP EXP	Weitz & Luxenberg, P.C. 700 Broadway New York, NY 10003 <3220-61 Special Counsel for Trustee Expenses>, 200	Admin Ch. 7 10/06/22		\$ 758.10 \$ 758.10	\$758.10	\$0.00
SP FEE	Weitz & Luxenberg, P.C. 700 Broadway New York, NY 10003 <3210-60 Special Counsel for Trustee Fees>, 200	Admin Ch. 7 10/06/22		\$ 53,499.60 \$ 53,499.60	\$53,499.60	\$0.00
1	ONEMAIN P.O. Box 3251 Evansville, IN 47731 <7100-00 General Unsecured - \$ 726(a)(2)>, 610	Unsecured 11/25/20	money loaned.	\$ 8,440.35 \$ 8,440.35	\$0.00	\$8,440.35

Exhibit C
Claims Register

Case: 19-00393 DOROTHY N. JOHNSON

Claims Bar Date: 2/3/21 12:00

Claim #	Claimant Name/ <Category>, Priority	Claim Type/ Date Filed	Acct#/ Memo/Journal	Amount Filed/ Allowed	Paid to Date	Claim Balance
2	U.S. Department of Education c/o FedLoan Servicing P.O. Box 69184 Harrisburg, PA 17106-9184 <7100-00 General Unsecured - \$ 726(a)(2)>, 610	Unsecured 01/13/21	student loan	\$ 120,933.30 \$ 120,933.30	\$0.00	\$ 120,933.30

Case Total: \$69,257.70 \$140,485.00

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 19-00393
Case Name: DOROTHY N. JOHNSON
Trustee Name: Thomas H. Fluharty

Balance on hand: \$ 102,219.38

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
EXEMPT	Dorothy N. Johnson	15,000.00	15,000.00	15,000.00	0.00

Total to be paid to secured creditors: \$ 0.00
Remaining balance: \$ 102,219.38

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 - Thomas H. Fluharty	11,111.35	0.00	11,111.35
Special Counsel for Trustee Fees - Weitz & Luxenberg, P.C.	53,499.60	53,499.60	0.00
Special Counsel for Trustee Expenses - Weitz & Luxenberg, P.C.	758.10	758.10	0.00

Total to be paid for chapter 7 administrative expenses: \$ 11,111.35
Remaining balance: \$ 91,108.03

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

Reason/Applicant	Total Requested	Interim Payments	Proposed Payment
None			

Total to be paid for prior chapter administrative expenses: \$ 0.00
Remaining balance: \$ 91,108.03

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: \$ 91,108.03

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 \$129,373.65 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 70.4 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	ONEMAIN	8,440.35	0.00	5,943.90
2	U.S. Department of Education	120,933.30	0.00	85,164.13

Total to be paid for timely general unsecured claims: \$ 91,108.03
 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 tardily filed 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:	\$ <u>0.00</u>
Remaining balance:	\$ <u>0.00</u>

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RE: Johnson, Dorothy N.

Case No.: 19-00393

Debtor.

Chapter 7

**TRUSTEE'S APPLICATION FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES**

Pursuant to 11 U.S.C. Section 330, the undersigned Trustee hereby requests compensation in the amount of \$11,111.35 and reimbursement of expenses in the amount of \$0.00 for this case. The Trustee has, by prior authorization, received no such compensation and no such reimbursement of expenses.

COMPUTATION OF COMPENSATION AND EXPENSES

Total disbursements to other than debtor will be \$ 157,227.08

Pursuant to 11 U.S.C. Section 326, compensation to the trustee is computed as follows:

(For cases filed on or after October 23, 1994)

	\$ <u>2,500.00</u>	25% of First \$5,000	\$ <u>1,250.00</u>
Less	\$ <u>-5,000.00</u>	(\$1,250.00 Maximum)	
Balance	\$ <u>0.00</u>	10% of next \$45,000	\$ <u>4,500.00</u>
Less	\$ <u>-45,000.00</u>	(\$4,500.00 Maximum)	
Balance	\$ <u>0.00</u>	5% of next \$950,000	\$ <u>5,361.35</u>
Less	\$ <u>-950,000.00</u>	(\$47,500.00 Maximum)	
Balance	\$ <u>0.00</u>	3% of Balance	\$ <u>0.00</u>
TOTAL COMPENSATION REQUESTED			\$ <u>11,111.35</u>

TRUSTEE'S EXPENSES (ITEMIZED):

Premium on Trustee's bond	\$ <u>0.00</u>
Necessary travel (0 miles @ 0.0 cents/mile)	\$ <u>0.00</u>
Necessary copies (1229 @ 15.0 cents/copy)	\$ <u>0.00</u>
Postage	\$ <u>0.00</u>
Telephone charges	\$ <u>0.00</u>
Clerical/Secretarial staff (0.0 hrs @ \$0.00/hr)	\$ <u>0.00</u>
Paralegal Staff (0.0 hrs @ \$0.00/hr)	\$ <u>0.00</u>
Supplies/Stationery	\$ <u>0.00</u>

Distribution	\$	<u>0.00</u>
Professional	\$	<u>0.00</u>
Other	\$	<u>0.00</u>
 TOTAL EXPENSES CLAIMED	 \$	 <u>0.00</u>
 TOTAL REQUESTED FEES AND EXPENSES	 \$	 <u>11,111.35</u>

WHEREFORE, the Trustee request this application be approved by the Court and that the Trustee be awarded \$11,111.35 as compensation and \$0.00 for reimbursement of expenses. The Trustee certifies that no payments have been made or promised to him/her for services rendered in any capacity in this case. No agreement or understanding exists between the Trustee and any other person or entity, other than his/her law firm, for sharing compensation or to be received.

Dated: December 1, 2022

/s/ Thomas H. Fluharty
 Thomas H. Fluharty, Trustee
 WV Bar No.: 1231
 408 Lee Avenue
 Clarksburg, WV 26301
 (304) 624-7832