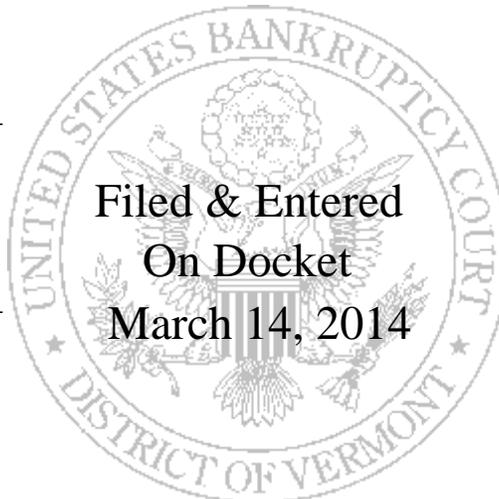


**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**



**In re
Turner & Cook, Inc.,
Debtor.**

**John R. Canney, III, Trustee,
Plaintiff,
v.
Fisher & Strattner, LLC,
Mark Fisher, et al.,
Defendants.**

**Filed & Entered
On Docket
March 14, 2014**

**Chapter 7
Case # 10-11344**

**Adversary Proceeding
11-1033**

*Appearances: John R. Canney, III, Esq.
Rutland, VT
Chapter 7 Trustee, Plaintiff*

*Peter Bilowz, Esq.
Goulston & Stores, P.C.
Boston, MA
For the Trustee*

*Mr. Mark Fisher
Jacksonville, VT
Pro se Defendant*

**ORDER
GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

For the reasons set forth in the memorandum of decision of even date,

THE COURT FINDS that there are no material facts in dispute, and the Trustee has met his burden of proving entitlement to relief as a matter of law, with respect to Counts Eleven, Twelve, Fourteen, Twenty-One, Twenty-Seven, Twenty-Nine, Thirty-Five, Thirty-Six, and Thirty-Eight of the Second Amended Complaint.

THE COURT FURTHER FINDS that (1) either material disputes of fact do exist, or the Trustee has failed to demonstrate that he is entitled to relief as a matter of law, with respect to Counts Nine, Twenty, and Twenty-Three of the Complaint, and (2) the Complaint fails to allege as a basis for relief any facts relating to the Debtor's alleged purchase and installation of a wood-boiler for the Defendant's sole benefit.

Accordingly, IT IS HEREBY ORDERED that the Motion is GRANTED with respect to Counts Eleven, Twelve, Fourteen, Twenty-One, Twenty-Seven, Twenty-Nine, Thirty-Five, Thirty-Six, and Thirty-Eight of the Second Amended Complaint, and DENIED with respect to all other requests for relief.

IT IS FURTHER ORDERED that the Trustee shall recover judgment in the amount of one hundred thirty thousand four hundred sixteen dollars and twenty eight cents (\$130,416.28), and an attachment against the property to which he is now entitled to turnover; and shall promptly file a judgment specifying the amounts due and an attachment specifying the equipment to be turned over, to effectuate enforcement of this order and secure repayment of the sum awarded.

IT IS FURTHER ORDERED that Mr. Fisher (1) shall forthwith turn over to the Trustee all property identified as subject to turn over in the accompanying memorandum of decision, and (2) effective immediately, is prohibited from disposing of, transferring, alienating or modifying the location or condition of any of that property, or authorizing or allowing others to do so, except as instructed by the Trustee.

SO ORDERED.

March 14, 2014
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge