

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

ROME FAMILY CORPORATON,
Debtor.

Chapter 7 Case
02-11771

JOHN R. CANNEY, III,
Chapter 7 Trustee of the Estate of
ROME FAMILY CORPORATION,
Plaintiff,

v.
ENGELBERTH CONSTRUCTION, INC.,
Defendant.

Adversary Proceeding
03-1023

Appearances: *John J Kennelly, Esq.*
Pratt Vreeland Kennelly Martin & White
Rutland, Vt.
For the Plaintiff

Shireen Hart, Esq.
Eggleston & Cramer, Ltd.
Burlington, Vt.
For the Defendant

ORDER
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

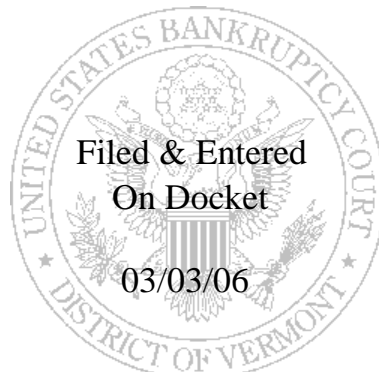
For the reasons set forth in the memorandum of decision of even date, the Court finds that


1. there are no material facts in dispute and therefore summary Judgment is proper; and
2. the Trustee has met his burden of proof and demonstrated that Engelberth's Judicial Lien is avoidable as a preferential transfer under § 547(b).

Accordingly, the Trustee's motion for summary judgment on Count IV of the complaint is GRANTED.

SO ORDERED.

March 3, 2006
Rutland, Vermont




Colleen A. Brown
United States Bankruptcy Judge