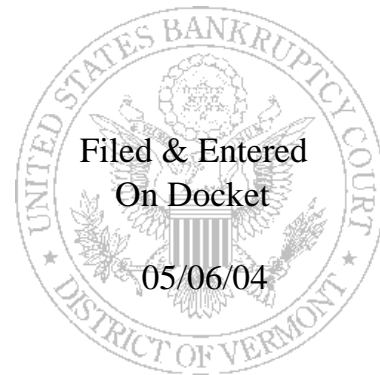


UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT



In re:

**Robert M. Lund**  
**Debtor.**

**Chapter 7 Case**  
**# 02-11106**

**Robert M. Lund,**  
**Plaintiff, Counter Defendant**  
**v.**

**Adversary Proceeding**  
**# 03-1034**

**Bonnie M. Benoit,**  
**Defendant, Counter Claimant.**

*Appearances:*

*Gleb Glinka, Esq.*  
*Glinka & Schwidde*  
*Cabot, VT*  
*Attorney for Debtor-Plaintiff*

*Mark R. Moore, Esq.*  
*Law Offices of Deborah T. Buckman*  
*St. Johnsbury, VT*  
*Attorney for Defendant*

**ORDER**  
**GRANTING PLAINTIFF'S MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT**  
**AND DENYING DEFENDANT'S MOTION TO TAKE JUDICIAL NOTICE**

In conjunction with the Court's Memorandum of Decision, of even date, on the Plaintiff's Motions to Dismiss and for Summary Judgment and on the Defendant's Motion to Take Judicial Notice,


IT IS HEREBY ORDERED that the Defendant's Motion to Take Judicial Notice is DENIED.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Dismiss the Defendant's Counter Complaint is GRANTED.

IT IS FURTHER ORDERED that the Plaintiff's Motion for Summary Judgment to avoid the subject lien as a preference is GRANTED, but that his alternative ground for seeking summary judgment— avoiding the subject lien as impairing his homestead exemption — is DENIED as moot.

**SO ORDERED**

May 5, 2004  
Rutland, Vermont

  
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Colleen A. Brown  
United States Bankruptcy Judge