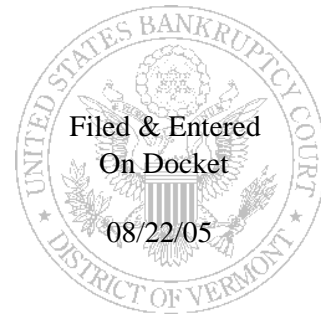


UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

LAUREN JO CHASE,
Debtor.

Chapter 13 Case
02-10582

JAN M. SENSENICH et al,
Plaintiffs,

v.

ROBERT MOLLEUR,
Defendant.

Adversary Proceeding
03-1058

Appearances: *Jan M. Sensenich, Esq.*
Chapter 13 Trustee
White River Junction, VT
For the Plaintiffs

Oliver Twombly, Esq.
Law Office of Oliver Twombly, P.C.
Barre, VT
For the Defendant

ORDER
DENYING DEFENDANT'S RULE 8002(b)(2) MOTIONS

On August 2, 2005 the Court entered a Memorandum of Decision Determining that There Was Not Reasonably Equivalent Value for the Strict Foreclosure Transfer (doc. # 56, hereafter "the Decision"). On August 10, 2005, the Plaintiffs filed a proposed judgment order which the Court signed and entered on August 15, 2005 (doc # 65). In the interim, on August 11th, the Defendant filed the instant Rule 8002(b)(2) Motion (doc. # 61, "the Motion"). The Motion asserts two grounds for relief: (1) the Plaintiffs and Defendant were in the process of negotiating the amount of credit to which the Defendant is entitled, and (2) the Court should reconsider the Decision based upon principles of *res judicata*. On August 19th, the Defendant filed a second motion for reconsideration urging the Court to reconsider the calculation of the debt (doc. # 64)(the "Second Motion").


The Court finds that the Plaintiff and Defendants' ability to negotiate the credit is not impeded by entry of the Decision and that any determination on the amount of the judgment would be subject to its own appeal period. Therefore, this is not a sufficient basis for granting relief under Rule 8002(b).

The Court further finds that the Defendant's arguments based upon *res judicata* are not probative of the question as the Defendant failed to raise this argument heretofore. The Court further finds the Defendant's arguments in the Second Motion unpersuasive. The Parties previously stipulated to the amount of the debt.

Therefore, it is hereby ordered that the Defendant's Rule 8002(b) Motion and the Second Motion are DENIED.

SO ORDERED.

August 22, 2005
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge