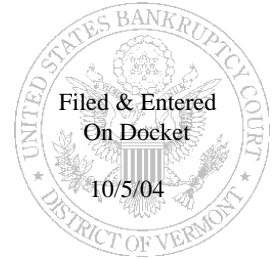


UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT



In re:

WAYNE F. BESAW,  
Debtor.

Chapter 13 Case  
# 03-11518

WAYNE F. BESAW and  
JAN M. SENSENICH, ESQ., Trustee,  
Plaintiffs,

v.

CIT GROUP/SALES FINANCING, INC.,  
Defendant.

Adversary Proceeding  
# 04-1029

Appearances:

*Richard A. Scholes, Esq.*  
*Montpelier, VT*  
*For the Debtor/Plaintiff*

*Jan M. Sensenich, Esq.*  
*While River Junction, VT*  
*Chapter 13 Trustee, Pro Se*

*James B. Anderson, Esq.*  
*Ryan Smith & Carbine, Ltd.*  
*Rutland, VT*  
*For the Defendant*

**ORDER**

**DENYING PLAINTIFFS' MOTION FOR JUDGEMENT ON THE PLEADINGS AND**  
**GRANTING DEFENDANT'S CROSS-MOTION FOR JUDGEMENT ON THE PLEADINGS**

In accordance with the Memorandum of Decision entered herein of even date,

IT IS HEREBY ORDERED that the Plaintiff's Motion for Judgment on the Pleadings under Rule 12(c) is denied and the Defendant's Motion for Judgment on the Pleadings under Rule 12(c) is granted.

Judgment in favor of the Defendant is hereby GRANTED.

**SO ORDERED.**

October 5, 2004  
Rutland, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge