

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

PAMELA J. FIFIELD,
Debtor.

Chapter 7 Case
04-10867

**NOTICE OF STATUS CONFERENCE
TO ADDRESS CONSTITUTIONALITY CLAIM**


On December 17, 2004, John R. Canney, III, in his capacity as the Chapter 7 Trustee in the above-referenced bankruptcy case (the "Trustee"), filed a memorandum of law in support of his motion to sell residential real property, alleging, *inter alia*, that the recent amendment to 27 V.S.A. § 341 is unconstitutional, as "it adversely affects property rights without notice." The substantive legal issue presented in the subject motion to sell is whether the first mortgage against the property is enforceable under 27 V.S.A. § 341. In light of the Trustee's assertion that the amendment to this statute is unconstitutional, the Court must determine the constitutionality of the amendment before addressing the enforceability of the mortgage and whether the mortgagee, Countrywide, holds a secured claim in this case.¹

Pursuant to Fed. R. Bankr. P. 7024 and 28 U.S.C. § 2408, Court must provide notice to the Vermont Attorney General that the constitutionality of a Vermont statute has been called into question. This notice is being issued in compliance with those mandates.

NOTICE IS HEREBY GIVEN TO ALL PARTIES TO THIS ACTION AND THE STATE OF VERMONT that a status conference will be held in this contested matter on **January 27, 2005, at 10:00 a.m. at the Federal Courthouse in Burlington, Vermont** specifically to address the procedure for litigating the constitutionality claim raised by the Trustee and to formulate a scheduling order in this matter.

In the interest of justice and in furtherance of judicial economy, any party seeking to intervene in this matter regarding the constitutionality of the retroactive application of 27 V.S.A. § 341 should file a Motion to Intervene by **January 20, 2005**.

Rutland, Vermont
January 5, 2005


Colleen A. Brown
United States Bankruptcy Judge

TO: Grant Rees, Esq, John Canney, Esq., William Sorrell, Esq.

¹ Pursuant to a stipulation between the Trustee and Countryside the subject property has been sold and the question is thus actually how the mortgagee's claim will be treated for purposes of distribution of the sale proceeds.