

IN RE:

JOHN WILSON LAMBERTSON, a/k/a
JOHN W. LAMBERTSON, a/k/a
JOHN RONALD ANEY, JR.,

CASE NO. 04-31680-BKC-SHF
CHAPTER 7

Debtor.

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PATRICIA DZIKOWSKI, TRUSTEE,

Plaintiff,

ADV. NO. 04-3286-BKC-SHF-A

vs.

KATHY F. LAMBERTSON,

Defendant.

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Summary

FINAL JUDGMENT DETERMINING DIVISION OF NET SALE PROCEEDS DERIVING FROM LIQUIDATION OF JOINTLY HELD PROPERTY

In March, 2000, Ms. Fedor, the former spouse of the debtor, together with the debtor, purchased a residence located at 1944 Hanford Road, Burlington, North Carolina. In January, 2002, the debtor left Ms. Fedor, and moved out of the residence. The debtor did not contribute any funds to defray either the monthly mortgage payments, or any other expenses relating to the house, subsequent to January, 2002. Ms. Fedor, however, continued to live in the home until April, 2003. Furthermore, from January, 2002 through March, 2005, Ms. Fedor made all payments relating to mortgage, real estate taxes, plumbing repairs, water bills, homeowners insurance, lawn maintenance, and security. The trustee currently is holding \$57,311.33 in net proceeds from the sale of the Hanford Road property. Ms. Fedor seeks to have those monies reimbursed to her from the proceeds of the sale of the house, prior to a division of the remaining sale proceeds between Ms. Fedor and Patricia Dzikowski, the chapter 7 trustee for Mr. Lambertson's bankruptcy estate, in accordance with 11 U.S.C. § 363(h).

Held: In accordance with 11 U.S.C § 363(j), the Court determines that the defendant, Kathy Fedor, is entitled to \$27,327.05 for reimbursement of expenditures relating to the real property, and \$14,992.14 as her share of the net sale proceeds, for an aggregate amount of \$42,319.19. The Court further determines that Patricia Dzikowski, chapter 7 trustee, is entitled to the remaining \$14,992.14.