

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA  
MINUTE ENTRY/ORDER

Bankruptcy Judge: Hon. Redfield T. Baum  
Case Name: Leslie S. & Edith T. Levitt Chapter 7  
Case No.: 2:-bk-03-15992-RTB  
Adversary Name: CT Cook & Davco Enterprises Inc., vs: Leslie S. Levitt  
Adversary No.: 2:-ap-03-1084  
Subject of Hearing: Motion to Amend Findings of Fact or Make Additional Findings, Motion for New Trial & Motion for Relief from Judgement Filed by Defendant.  
Date Matter Taken Under Advisement: 3/15/2007  
Date Ruled Upon: 4/18/2007

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Pending before the court is defendants' motion for a new trial or to alter/amend the court's ruling. For the reasons set forth below, the motion is denied, on the conditions set forth below.

This matter was tried in September and October 2006. The defendant asserts, among other things, that the result is a great injustice. The essence of that argument relates to the defense that defendants transferred other motor vehicles to plaintiff in payment of the two checks that did not clear defendants' bank account. Prior to trial there were motions to compel and

other discovery disputes relating to this defense including plaintiff's demand that the titles supporting such claim be produced. The point is that the issues relating to these titles were known to the defendants prior to trial. The defendants have had a fair opportunity to produce the titles or other credible evidence that other motor vehicles were transferred to plaintiff to discharge the debt related thereto. As noted at oral argument, the court is granting the defendants a final chance to produce titles or other credible evidence of such payment. Speaking bluntly and as previously commented upon by the court, defendants oral statements alone will not be credited as proof of payment. If such evidence is not provided to the court by May 19, 2007, the motion is denied. If defendants provide such evidence by this deadline, then the court will consider the same and whether it merits further proceedings, if any.

Therefore, the motion is denied, subject to the condition and deadline set forth above.  
subject to the condition and deadline set forth above. Counsel for plaintiff shall serve and lodge an appropriate order after May 19, 2007.

Copy Mailed 4/18/07 to:

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By   
Case Administrator