

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN AND WESTERN DISTRICTS OF ARKANSAS

FILED
U.S. BANKRUPTCY COURT
EST & WST DIST. OF ARK.

RE: CARROLL WEATHERFORD

FEB 12 2001

CASE NO: 99-60692 F/G
CHAPTER 13

DISMISSAL ORDER
By WILLIAM W. BLEVINS, CLERK
DEP. CLERK

COMES now before the Court, on 02/07/2001 in the above styled case, the Motion to dismiss filed by the Trustee for the debtor's failure to make payments in accordance with the plan. The debtor did not appear; the debtor's attorney did not appear. From the Court's records herein and from statements and arguments of counsel, the court does find that the debtor has failed to make payments pursuant to the plan, and therefore, the case should be, and it hereby is, dismissed.

IT IS SO ORDERED at Little Rock, Arkansas on 02/07/2001.

ROBERT F. FUSSELL

ROBERT F. FUSSELL
U.S. BANKRUPTCY JUDGE

cc: CARROLL WEATHERFORD
P O BOX 20804
HOT SPRINGS AR 71903

DANIEL D BECKER
534 OUACHITA AVENUE, STE 2
HOT SPRINGS AR 71901

JO-ANN L. GOLDMAN, TRUSTEE

Name of Debtor (if individual, enter: Last, First, Middle): **WEATHERFORD, CARROLL** Name of Joint Debtor (Separate Last, First, Middle): **99006921**

All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):
 All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):

Soc. Sec./Tax I.D. No. (if more than one, state all):

Street Address of Debtor (No. & Street, City, State & Zip Code):
103 IRONWOOD
HOT SPRINGS, AR 71913

County of Residence or of the Principal Place of Business: **GARLAND** *05051*

Mailing Address of Debtor (if different from street address):
P. O. BOX 20804
HOT SPRINGS, AR 71903

Location of Principal Assets of Business Debtor (if different from street address above):

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)
 Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
 There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply) <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____ <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker	Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding
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Nature of Debts (Check one box) <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e)(optional)	Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.
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Statistical/Administrative Information (Estimates only)							THIS SPACE FOR COURT USE ONLY <i>\$1600</i> BY <i>PC</i> PEGGY CARMALL, CLERK 09 JUL 23 AM 10:25 DEPUTY CLERK U.S. BANKRUPTCY COURT EASTERN AND WESTERN DISTRICTS OF ARKANSAS FILED	
<input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.								
Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Estimated Assets	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million		\$50,000,001 to \$100 million
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Debts	\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtors:

Carroll Weatherford

Page 2

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location

Where Filed: **Little Rock, AR**

Case Number:

98-60-666M

Date Filed:

July 23, 1998**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:

NONE

Case Number:

Date Filed:

District:

Relationship:

Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Debtor

 Not Applicable

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature(s) of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

 Not Applicable

Signature of Authorized Individual

Print or Type Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Attorney

Signature of Attorney for Debtor(s)

Daniel D. Becker, 81013

Printed Name of Attorney for Debtor(s) / Bar No.

Daniel D. Becker

Firm Name

Attorney At Law 424 Ouachita Avenue

Address

Hot Springs, AR 71901**501-623-3566**

Telephone Number

Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

 Not Applicable

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

 Not Applicable

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

 Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he/she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Signature of Attorney for Debtor(s)

Date

Name of Debtors: **Carroll W. Herford**

Case Number:

PRIOR BANKRUPTCY CASE FILED WITHIN LAST 6 YEARS

Location Where Filed	Case Number	Date Filed
Little Rock, AR	94-16-279S	August 5, 1994

UNITED STATES BANKRUPTCY COURT
 Western District of Arkansas
 Hot Springs Division

In re: CARROLL WEATHERFORD

Case No. _____

Chapter 13

SUMMARY OF SCHEDULES

AMOUNTS SCHEDULED

NAME OF SCHEDULE	ATTACHED (YES/NO)	NUMBER OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	\$ 0.00		
B - Personal Property	YES	2	\$ 6,500.00		
C - Property Claimed As Exempt	YES	1			
D - Creditors Holding Secured Claims	YES	1		\$ 1,433.00	
E - Creditors Holding Unsecured Priority Claims	YES	2		\$ 2,753.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	3		\$ 137,287.94	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	YES	1			\$ 1,800.00
J - Current Expenditures of Individual Debtor(s)	YES	1			\$ 1,575.00
Total Number of sheets in ALL Schedules >>		14			
			Total Assets >>	\$ 6,500.00	
				Total Liabilities >>	\$ 141,473.94

Schedule D - Creditors Holding Secured Claims

CREDITOR'S NAME MAILING ADDRESS INCLUDING ZIP CODE	CO- DEBTOR	HUSBAND WIFE JOINT OR COMMUN.	CLAIM DATE, NATURE OF LIEN, DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT UNLIQUIDATED DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCT. NO. Nations Bank P. O. Box 1000 Hot Springs, AR 71902	NO		1991 S-10 Pick-Up Truck 1991 S-10 Pick-Up Truck VALUE \$	1,000.00	364.00	0.00
ACCT. NO. Tillery, Allen Chevrolet, Inc. 4573 Central Avenue Hot Springs, AR 71913	NO		1992 S-10 Pick-Up Truck 1992 S-10 Pick-up Truck VALUE \$	3,500.00	1,069.00	0.00

Subtotal (Total of this page)	1,433.00
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TOTAL	1,433.00
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Schedule E - Creditors Holding Unsecured Priority Claims

- Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

Types of Priority Claims

- Extensions of credit in an involuntary case

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

- Wages, salaries, and commissions

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4300* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

- Contributions to employee benefit plans

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

- Certain farmers and fishermen

Claims of certain farmers and fishermen, up to \$4300* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

- Deposits by individuals

Claims of individuals up to \$1950* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

- Alimony, Maintenance, or Support

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

- Taxes and Other Certain Debts Owed to Governmental Units

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

- Commitments to Maintain the Capital of an Insured Depository Institution

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

- Other Priority Debts

*Amounts are subject to adjustment on April 1, 1998, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

Schedule E - Creditors Holding Unsecured Priority Claims

TYPE OF PRIORITY: Taxes and other certain debts owed to governmental units

CREDITOR'S NAME MAILING ADDRESS INCLUDING ZIP CODE	CO- DEBTOR	HUSBAND WIFE JOINT OR COMMUN.	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM	CONTINGENT UNLIQUIDATED DISPUTED	TOTAL AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY
ACCT. NO. Internal Revenue Service Memphis, TN 38110	NO		1993 1040 Taxes		2,753.00	2,753.00

Subtotal
(Total of this page) 2,753.00

TOTAL » 2,753.00

Schedule F - Creditors Holding Unsecured Nonpriority Claims

CREDITOR'S NAME MAILING ADDRESS INCLUDING ZIP CODE	CO- DEBTOR	HUSBAND WIFE JOINT OR COMMUN.	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT UNLIQUIDATED DISPUTED	AMOUNT OF CLAIM
ACCT. NO. ABC Block P. O. Box 45025 Little Rock, AR 72214	NO		Building Materials		1,699.27
ACCT. NO. American Express P. O. Box 630001 Dallas, TX 75363-0001	NO		Consumer Credit		4,622.12
ACCT. NO. AP&L P. O. Box 1330 Hot Springs, AR 71902	NO		Power		95.49
ACCT. NO. Arkansas Glass 1324 Central Avenue Hot Springs, AR 71901	NO				750.00
ACCT. NO. Arkla Gas P. O. Box 1090 Hot Springs, AR 71902	NO		Gas Service		382.22
ACCT. NO. Bennett Brothers Stone Company 5643 N. Highway 7 Jessieville, AR 71949	NO		Building Supplies		1,100.00
ACCT. NO. C. J. Horner P. O. Box 1423 Hot Springs, AR 71902	NO		Building Supplies		8,000.00
ACCT. NO. Dillard's Hot Springs Mall Hot Springs, AR 71913	NO		Consumer Goods		450.00
ACCT. NO. Dyke Industries 309 Center Little Rock, AR 72201	NO		Building Supplies		46,000.00
ACCT. NO. Ferrell & Shane 405 East Markham Little Rock, AR 72201	NO		Building Supplies		UNKNOWN

Subtotal 63,099.10
(Total of this page)

Schedule F - Creditors Holding Unsecured Nonpriority Claims

CREDITOR'S NAME MAILING ADDRESS INCLUDING ZIP CODE	CO- DEBTOR	HUSBAND WIFE JOINT OR COMMUN.	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT UNLIQUIDATED DISPUTED	AMOUNT OF CLAIM
ACCT. NO. First Electric Co-op 20570 Highway I-30 Benton, AR 72015	NO		Power		2,400.00
ACCT. NO. George Fixture Company 18501 Lawson Road Little Rock, AR 72201	NO				6,288.00
ACCT. NO. Harding, Clay & Barbara 802 Garland Hot Springs, AR 71913	NO				UNKNOWN
ACCT. NO. Harmon Overhead Door 4350 Rixey Road Sherwood, AR 72117	NO		Building Supplies		UNKNOWN
ACCT. NO. Interstate Cont. 4932 Malvern Avenue Hot Springs, AR 71901	NO		Building Supplies		UNKNOWN
ACCT. NO. J. C. Penney Hot Springs Mall Hot Springs, AR 71913	NO		Consumer Goods		450.00
ACCT. NO. Keith, Kenneth & Kathy c/o D. Scott Hickam Attorney At Law 1250 Central Avenue Hot Springs, AR 71901	NO		Lawsuit	DISPUTED	40,000.00
ACCT. NO. Metro Builders 8100 Scott Hamilton Drive Little Rock, AR 72209	NO		Building Materials		1,400.00
ACCT. NO. Missikiam, Mike Ace Cobbler c/o Don Roberts, Atty. 229 Hobson Hot Springs, AR 71913	NO		Lawsuit	DISPUTED	17,000.00

Subtotal 67,538.00
(Total of this page)

Schedule F - Creditors Holding Unsecured Nonpriority Claims

CREDITOR'S NAME MAILING ADDRESS INCLUDING ZIP CODE	CO-DEBTOR	HUSBAND WIFE JOINT OR COMMUN.	DATE CLAIM WAS INCURRED, AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT UNLIQUIDATED DISPUTED	AMOUNT OF CLAIM
ACCT. NO. Paint Distributors 2828 Central Avenue Hot Springs, AR 71901	NO		Building Supplies		UNKNOWN
ACCT. NO. Russann Lumber Company P. O. Box 22247 Memphis, TN 38122	NO		Building Supplies		UNKNOWN
ACCT. NO. Sanders Plumbing P. O. Box 1545 Hot Springs, AR 71902	NO		Building Supplies		1,500.00
ACCT. NO. Southern Ins. Co. 1090 Sleepy Valley Road Hot Springs, AR 71901	NO		Building Materials		2,400.00
ACCT. NO. Spraggin, Glen 1207 Brownwood Malvern, AR 72104	NO				1,200.00
ACCT. NO. Umphers Construction 211 Ira Hot Springs, AR 71913	NO				1,270.00
ACCT. NO. Valley Aluminum Products 6207 Central Avenue Hot Springs, AR 71913	NO		Building Materials		280.84
ACCT. NO. Weatherford, Roberta 439 Buena Vista Hot Springs, AR 71913	NO		Claims, if any, under Property Settlement Agreement.	DISPUTED	UNKNOWN
ACCT. NO. White, Joe & Lea c/o Chris Williams Attorney At Law 829 Halbert Avenue Malvern, AR 72104	NO				0.00
Subtotal (Total of this page)					6,650.84
TOTAL					137,287.94