

July 23, 2009 www.orb.uscourts.gov

Recent Opinions

In re Matrix Development, Case No. 08-32791-tmb11

July 16, 2009

11 USC §§1111(b)(1)(B)(ii) and 1111(b)(2)

Unsecured recourse creditors made §1111(b)(2) election to have debt treated as fully secured. Debtor objected based on §1111(b)(1)(B)(ii) because the plan provided for sale of the collateral. Because the sale of collateral was to be to an unspecified buyer for an unspecified price and at an unspecified later date, however, and based on the legislative history of §1111(b)(2), the court overruled debtor's objection.

Troutman v. Official Committee of Unsecured Creditors, 9th Cir. No. 08-35296, Case No. 08-35296, Adv. No. 03-6417-aer

June 15, 2009

Account stated, assignment, judicial estoppel, open account

In an unpublished opinion, the Ninth Circuit affirmed the District Court, which had affirmed the Bankruptcy Court's ruling in favor of the Committee. The Committee had sued the brother of debtor's principal to recover certain receivables.

Click on [Opinions](#) (the last item in the column headed **Information for Attorneys**), for two search options. Clicking on [To view a list of all current opinions](#) takes you to a list of opinions organized by date, most recent to oldest. Entering a search term in the box on the [Opinions](#) page produces a list of results. Search logic for opinion searches appears on the [Opinions](#) page.

NEW ITEMS:

ECF Training

The currently scheduled training dates for Eugene and Portland are August 13, September 16, October 22, November 18 and December 10. Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm.

ECF Online Manual

The following items in the ECF Online Manual have been updated since the end of March:

Adversary Proceeding: Open AP Case, 5/8/09

Case Opening: Involuntary Petition, 5/22/09

Claims: File Proof of Claim, 4/30/09

Creditor: Attorney and Non-Attorney Credit Manuals, 4/3/09

Trustee/UST: Chapter 7 Trustee's Report of No Distribution for

Dismissed/Converted Case, 5/7/09; and Trustee 341 Filings, 4/13/09

PREVIOUSLY PUBLISHED ITEMS:

The following is a summary of items added in the past several weeks.

Exemptions

Oregon law on exemptions (ORS 18.325(1)(d), 18.395, 18.438) changed on June 25, 2009, when Governor Kulongoski signed HB 2306. On the home page under Court Rules and Announcements, click on the first item, "7/1/09 - Changes in Exemption Laws," for more information and a link to the full text of HB 2306.

Message from Clerks Office

Please do not modify the fixed text in a local bankruptcy form (LBRs 1001.1.F. and G.)! If adequate room does not exist in any area, attachment pages may be added to the end of the form for inclusion of essential text.

Debtor -Creditor Section Website

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.