

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re:
Julie Bollerud,

Debtor.

} BK. No. 08-12177-PB13

} ORDER AMENDING
} MEMORANDUM DECISION

The Memorandum Decision entered June 1, 2009 is amended as follows:

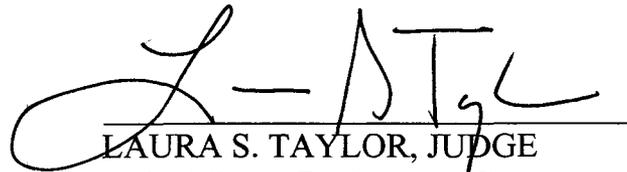
Page 12, Line 11

After the phrase "The Court finds the *Picht* analysis compelling," insert new Note 5 as follows: "On April 14, 2009, the Bankruptcy Appellate Panel for the Tenth Circuit reversed the decision of the bankruptcy court, and remanded 'so that the bankruptcy court may legally enter its findings of fact and conclusions of law.' *Bank of the Prairie v. Picht (In re Picht)*, 403 B.R. 707, 709 (10th Cir. BAP 2009). The reversal was based solely on procedural grounds and the Panel did not reach the merits. In fact, the Panel

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acknowledged that '[i]n all likelihood, upon remand, the bankruptcy court will issue the same memorandum opinion, and the parties will be forced to start the appeal process over again.' *Id.* at 714. This reversal on procedural grounds does not impact this Court's concurrence with the analysis presented by the *Picht* bankruptcy court."

DATED: June 22, 2009


LAURA S. TAYLOR, JUDGE
United States Bankruptcy Court