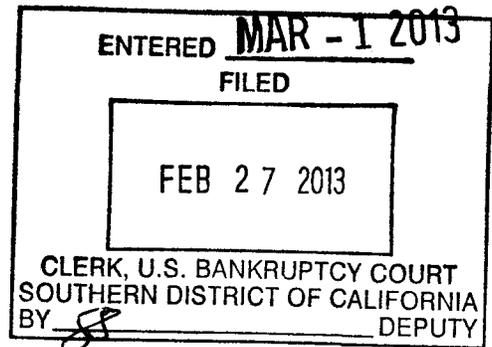


1 WRITTEN DECISION - NOT FOR PUBLICATION



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 In re ) Case No. 09-09536-PB7  
12 PAUL EUGENE VASSAU and ) Adv. No. 11-90280-PB  
13 JULIE ANN VASSAU )  
14 Debtor. ) REQUEST FOR BRIEFING  
15 ) ON MOTION FOR SUMMARY  
16 ) JUDGMENT  
17 )  
18 LESLIE T. GLADSTONE, Chapter 7 )  
19 Trustee, )  
20 Plaintiff, )  
21 v. )  
22 BANK OF AMERICA, N.A., )  
23 Defendant. )

24 Counsel for Plaintiff and Defendant in this case are hereby  
25 invited to file supplemental briefs on the following questions:

26 1. In general, how is the "hypothetical chapter 7  
distribution" element of Bankruptcy Code § 547(b)(5) conducted  
when the transferee is an undersecured creditor?

2. How should the "hypothetical chapter 7 distribution"

1 element of Bankruptcy Code § 547(b)(5) be conducted in this case?

2 Briefs shall be filed within 20 days of the entry of this  
3 order, at which time the matter shall be resubmitted.

4 IT IS SO ORDERED.

5 DATED: FEB 27 2013 (S)

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8 PETER W. BOWIE, Judge  
9 United States Bankruptcy Court  
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