

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:

JIMMY SISSOM

DEBTOR(S)

§  
§  
§  
§  
§

CASE NO. 06-31917-H4-7

CHAPTER 7

**EMERGENCY MOTION TO COMPEL ATTENDANCE AT MEETING OF  
CREDITORS AND BANKRUPTCY RULE 2004 EXAMINATION  
AND REQUIRE PRODUCTION OF DOCUMENTS**

Pursuant to Local Rule 9013:

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT HEARING.**

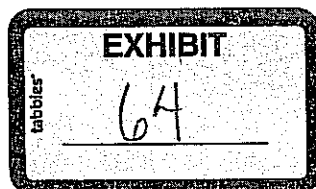
**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Ronald J. Sommers, Chapter 7 Trustee ("Trustee"), and Royal Oaks Bank, a party in interest, (collectively, "Movants") in the above entitled and numbered case and hereby file this Emergency Motion to Compel Attendance at Meeting of Creditors and Bankruptcy Rule 2004 Examination and Require Production of Documents ("Motion") and in support thereof would respectfully show the Court as follows:

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## Facts

1. On May 3, 2006, the Debtor filed a voluntary petition under Chapter 7 of the Bankruptcy Code ("Bankruptcy"). Ronald J. Sommers was subsequently appointed Chapter 7 Trustee.

2. The first meeting of creditors was scheduled for May 24, 2006 at 10:30 a.m. The meeting was not concluded and was reset several times thereafter.

3. The Debtor failed to appear at the meeting of creditors scheduled for June 21, 2006 at 9:30 a.m.

4. The Debtor failed to appear at the meeting of creditors scheduled for August 16, 2006 at 9:30 a.m.

5. The Debtor failed to appear at the 2004 Examination scheduled for August 10, 2006 and by Royal Oaks Bank.

6. The meeting of creditors has been reset to August 30, 2006 at 9:30 a.m. The meeting of creditors will be held at 515 Rusk Avenue, 3<sup>rd</sup> Floor, Houston, TX.

7. The Bankruptcy Rule 2004 Examination has been scheduled for September 7, 2006 at 9:30 a.m. The Bankruptcy Rule 2004 Examination will be held at the offices of Storey & Denum, P.C., 11757 Katy Freeway, Suite 1010, Houston, Texas 77079.

8. The Debtor received two (2) cashier's checks from the sale of his stock in a business enterprise totaling \$225,100.00. One of the cashier's checks payable to the Debtor in the amount of \$189,740.00 was negotiated on or about February 14, 2006, and the other cashier's check payable to the Debtor's business, Dealer's Management Group, Inc. in the amount of \$35,360.00 was negotiated on or about March 3, 2006. The Debtor has failed to provide adequate documentation

accounting for the expenditures or whereabouts of the proceeds of the two cashier's checks.

### **Requested Relief**

9. The Debtor is required, under 11 U.S.C. § 343, to "appear and submit to examination under oath at the meeting of creditors." Because the Debtor has proven that he will not voluntarily comply with his required duties, Movants request that the Court enter an order compelling his compliance.

10. Movants ask this Court to order the Debtor to appear and submit to examination under oath at the meeting of creditors to be held at 515 Rusk Avenue, 3<sup>rd</sup> Floor, Houston, TX on August 30, 2006 at 9:30 a.m. or to attend a meeting of creditors as scheduled by the Court. Movants also ask this Court to order the Debtor to produce the documents listed in the attached Exhibit "A" to the Trustee at or before this meeting of creditors.

11. Movants ask this Court to order the Debtor to appear and testify at the Bankruptcy Rule 2004 Examination to be held at the offices of Storey & Denum, P.C., 11757 Katy Freeway, Suite 1010, Houston, Texas 77079 on September 7, 2006 at 9:30 a.m.

12. Movants ask this Court to order the Debtor to pay the sum of two-hundred dollars (\$200.00) to the Trustee as reasonable attorney's fees incurred in bringing the Motion.

WHEREFORE Movants respectfully pray that the Court grant the Emergency Motion to Compel Attendance at Meeting of Creditors and Require Production of Documents and for such other and further relief to which Movants may be entitled.

Respectfully submitted,

By: /s/ Jennifer L. Haluptzok

Jennifer L. Haluptzok  
State Bar No. 24053058  
2800 Post Oak Blvd., 61st Floor  
Houston, Texas 77056  
Telephone: 713-960-0303  
Facsimile: 713-892-4800  
ATTORNEYS FOR RONALD J. SOMMERS, TRUSTEE

OF COUNSEL:  
NATHAN SOMMERS JACOBS  
A Professional Corporation  
2800 Post Oak Blvd., 61st Floor  
Houston, Texas 77056  
Telephone: 713-960-0303  
Facsimile: 713-892-4800

STOREY & DENUM, P.C.

By: /s/ Craig R. Denum with permission by  
Jennifer L. Haluptzok

Craig R. Denum  
State Bar No. 05768375  
11757 Katy Freeway, Suite 1010  
Houston, Texas 77079  
(281) 556-6684 – Telephone  
(281) 556-8482 – Facsimile  
ATTORNEY FOR ROYAL OAKS BANK

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Emergency Motion to Compel Attendance at Meeting of Creditors and Bankruptcy Rule 2004 Examination and Require Production of Documents has been served on the parties listed on the attached service list by U.S. mail, first class, postage prepaid, on the 21<sup>st</sup> day of August, 2006.

/s/ Jennifer L. Haluptzok  
Jennifer L. Haluptzok

EXHIBIT A

DOCUMENTS TO BE PRODUCED BY JIMMY SISSOM

DEFINITIONS

- A. The term "documents" shall mean writings of every kind, both originals and all non-identical copies thereof, in your possession, custody or control, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation, any government agency or personnel. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes and information stored in, or accessible through computer or other information storage or retrievable systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: correspondence, transcripts or testimony, notes, reports, files, records, contracts, agreements, telegrams, teletypes and other communications sent or received, diaries, calendars, logs, notes or memoranda of telephonic or face-to-face conversations, drafts, work papers, agendas, bulletins, notices, circulars, announcements, instructions, schedules, minutes, summaries, notes, and other records or recordings in any conferences or meetings, statements, interviews, bills, vouchers, receipts, and other records of payments, ledgers, journals, balance sheets, profit and loss statements, and other sources of

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financial data, analyses, affidavits, published books, articles, speeches and newspaper clippings, press releases, charts, drawings, manuals, brochures, memoranda, evaluations, conclusion, studies, records of administrative and financial actions taken or recommended, and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular documents requested.

- B. The term "you" shall mean Jimmy Sissom.
- C. The term "Royal" shall mean Royal Oaks Bank, a creditor in this bankruptcy proceeding.
- D. The term "Bankruptcy Proceeding" or "Bankruptcy" shall mean Case No. 06-31917-H4-7; In re: Jimmy Sissom; In the United States Bankruptcy Court for the Southern District of Texas - Houston Division.
- E. The term "the Loans" shall mean any borrowing by you from Royal Oaks Bank.

1. Copies of all written receipts given by you after receipt of payments related to Dealer's Management Group, Inc.'s retail installment contracts from January 1, 2006 to present.
2. Copies of all documents reflecting the disposition of payments received by you, in any capacity, related to Dealer's Management Group, Inc.'s retail installment contracts from January 1, 2006 to present.
3. Copies of all bank statements, dated January 1, 2006 to present, including the front and back of any imaged checks related to any bank account on which you are a signatory, including, but not limited to Dealer's Management Group, Inc., Sissom Enterprises dba S & S Financial, Roberts Enterprises, F & S Ventures, Inc. and Carz-N-More.
4. Copies of all bank statements, dated January 1, 2006 to present, including the front and back of any imaged checks related to any bank account on which your wife is a signatory.
5. Copies of all bank statements, dated January 1, 2006 to present, including the front and back of any imaged checks related to any bank account on which you are a signatory on behalf of Dealer's Management Group, Inc.
6. Copies of all transactions related to the purchase or disposition of any "cashiers check", "tellers check", or "transfers check" by you or your wife from January 1, 2006 to present.
7. Copies of all document related to any transactions on behalf of Dealer's Management Group, Inc. from January 1, 2006 to present.
8. Copies of any and all documents related to any business transactions with an entity known as Carz-N-More.
9. Since January 1, 2006, copies of all documents related to any titled vehicle (such as cars, boats, motorcycles, trailers, trucks, airplanes, etc.) including all certificates of registration, loan documents, bills of sale, all transfers of title from Dealer's Management Group, Inc. and all documents indicating all payments to you.
10. Since January 1, 2006, all documents indicating ownership (in whole or part, direct or indirect) by you of any real property, whether or not you claim same as exempt or not.
11. All documents, since January 1, 2006, that indicate a transfer by you to any person or entity of an interest in real property. Include all deeds, deeds of trust contracts for deed, copies of checks, wire transfers, receipts or other indications

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of the consideration exchanged for same. Include all earnest money contracts and all HUD-1 Closing Statements related to same.

12. All stock accounts, investment accounts, bonds, certificates of deposit or other documents indicating any money or other thing of value owned (in whole or in part) by you indicating sums owed to you.
13. All promissory notes, IOU's or other indications of indebtedness owed to you.
14. Any and all canceled checks, check books, check registers, bank statements, statements of account passbooks, certificates of deposit and/or any other document reflecting, evidencing or indicating an account money market certificate of deposit and/or lock box with a financial institution which is in the name of you or your wife or in which your wife or you claims or asserts an interest presently or within the last two (2) years.
15. Any and all accounts receivable, invoices, statements of account transaction summaries, accountings, correspondence and/or any other document(s) reflecting or evidencing any money or thing of value owed to you or Dealer's Management Group, Inc. during last year.
16. Any and all document(s) evidencing any right title or interest equitable or legal, in and to any property, personal or real, in favor of you or your wife, including, but not limited to, deeds, deeds of trust, trust agreements, certificates of title, stock or share certificates, bills of sale, pledge agreements, bailment agreements and consignment agreements.
17. Any and all document(s) evidencing, relating to or pertaining to the business or financial affairs of you or Dealer's Management Group, Inc. for the period of one (1) year immediately preceding the date hereof, including, but not limited to: federal income tax returns; state tax reports, disclosures or returns; county or local tax renditions, reports or returns; company books and records; financial statements; CPA generated reports; insurance policies; applications for insurance; insurance binders; claims against insurance policies or binders; contracts and correspondence.
18. An accounting of all sums received, transferred, and/or converted within the 90 day period before you filed for Bankruptcy, including the name of the transferee and transferor, the date transferred, the amount transferred, and the purpose of the transfer, and/or the item purchased.

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**Service List**

**Debtor**

Jimmy Sissom  
4314 Waterlily Court  
Missouri City, TX 77459

**Debtor's Attorney**

Barbara Mincey Rogers  
Rogers, Anderson & Bensey, PLLC  
2200 North Loop West, Suite 310  
Houston, TX 77018

**US Trustee**

Office of the US Trustee  
515 Rusk Ave, Ste 3516  
Houston, TX 77002

**Creditors**

Chase Bank USA, NA

Royal Oaks Bank  
c/o Storey & Denum, P.C.  
11757 Katy Freeway, Suite 1010  
Houston, TX 77079

Advanta  
P.O. Box 30715  
Salt Lake City, UT 84130

Capital One  
P.O. Box 30285  
Salt Lake City, UT 84130

Chase  
P.O. Box 15298  
Wilmington, DE 19850

CitiBusiness  
P.O. Box 44230  
Jacksonville, FL 32231

Crown Financial  
16420 Park Ten Place  
Houston, TX 77084

Discover  
P.O. Box 15192  
Wilmington, DE 19850

HSBC  
P.O. Box 80026  
Salinas, CA 93912

Hess Visa  
P.O. Box 15299  
Wilmington, DE 19850

John Spence  
21 St. Christopher  
Sugarland, TX 77479

Mastercard HSBC  
P.O. Box 80026  
Salinas, CA 93912

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Royal Oaks Bank  
12000 Westheimer  
Houston, TX 77042

**Parties Requesting Notice**

Craig Randall Denum  
Storey & Denum  
11757 Katy Freeway, Ste 1010  
Houston, TX 77079

HSBC Bank Nevada NA/HSBC Card  
Services III  
by eCast Settlement Corporation  
as its agent  
PO Box 95480  
Newark, NJ 07193-5480

Advanta Bank Corp.  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern, PA 19355-0701

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