

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

In re:

Chapter 7

ULRICH ENGLER,

Case No.

Debtor.

9:08-bk-04360-ALP

**REPLY OF JPMORGAN CHASE BANK, N.A. TO OBJECTION BY
TRUSTEE TO MOTION FOR RELIEF FROM AUTOMATIC STAY AND
COMPLIANCE WITH ORDER SCHEDULING PRELIMINARY HEARING**

JPMorgan Chase Bank, N.A. (“JPMC”), by undersigned counsel, hereby replies to the Objection By Chapter 7 Trustee (D.E. 35) to JPMC’s Motion for Relief From Automatic Stay (D.E. 15) and complies with the Court’s Order Scheduling Preliminary Hearing as follows:

1. As its reply to the Trustee’s Objection, JPMC hereby incorporates by reference the arguments and authority contained in paragraphs 1-9 of Congro Finanz AG and Primus GMBH’s reply memorandum (D.E. 36). As authority for its position, JPMC relies principally upon *In re Marineau*, 19 Fla. L. Weekly Fed. B 247 (Bankr. S.D. Fla. 2006) and *In re Giles*, 271 B.R. 903 (Bankr. M.D. Fla. 2002).

2. In compliance with the Court’s directive, JPMC states that the amount of JPMC’s pre-petition garnishment lien is \$41,000 plus interest thereon at the federal judgment rate from September 18, 2007 forward. Interest through the date of the preliminary hearing (July 26, 2008), at the rate of 4.15% per annum (282 days), is \$1,314.58. The value of the property subject to the writ of garnishment is \$82,000, the balance in the account at the time of service of the writ of garnishment. Since the property subject to the lien is cash, there is no need for an

appraisal. JPMC does not have any other collateral or security for this debt and adequate protection cannot be provided by the Debtor.

WHEREFORE, JPMC moves this Honorable Court for an Order granting it relief from the automatic stay to proceed to enforce its garnishment lien and to obtain the funds subject to the garnishment lien from garnishee, SunTrust Bank, and granting such other and further relief as appears just and proper.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by electronic transmission, if ECF filer, or served by first class U.S. Mail, postage prepaid, on this 11th day of June, 2008, to the following:

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