

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

| | |
|---|-------------------------|
| In re: | Chapter 7 |
| Partitions Plus of Wilmington, Inc., dba Partitions, Inc. dba Storm Protection Systems | Case No. 04-06776-8-JRL |
| Debtor | |
| James B. Angell, Chapter 7 Trustee for Partitions Plus of Wilmington, Inc., dba Partitions, Inc. dba Storm Protection Systems | Adversary Proceeding |
| Plaintiff, | No. 06-00152-8-JRL |
| v. | |
| United Rentals, Inc., | |
| Defendant. | |

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT**

NOW COMES James B. Angell, Chapter 7 Trustee for (“Plaintiff” of “Trustee”), by and through undersigned counsel, and hereby responds to the Defendants Motion for Summary Judgment and responds by stating that the there are genuine issues of material fact which preclude the Court from entering judgment in favor of the Defendant on the Defendant’s contention that the Defendant has conclusively established an exception under 11 USC §547(c)(4). As to the remaining issues presented to the Court in the Defendant’s Motion for Summary Judgment, the Plaintiff states that there are no genuine issues of material fact which preclude determination of those issues by the Court as a matter of law.

WHEREFORE, the Plaintiff prays for an order denying the Defendant’s Motion for Summary Judgment and granting such other and further relief as may be just and proper.

This the 30th day of March, 2007.

HOWARD, STALLINGS, FROM & HUTSON, P.A.

By: _____



Philip W. Paine
State Bar No. 31710
Attorneys for the Trustee
P.O. Box 12347
Raleigh NC 27605
Telephone: 919-821-7700
Fax: 919-821-7703
Email: ppaine@hsfh.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

| | |
|--|--|
| In re: | |
| Partitions Plus of Wilmington, Inc., dba Partitions, Inc. dba Storm Protection Systems | Case No. 04-06776-8-JRL Chapter 7 |
| Debtor | |
| James B. Angell, Chapter 7 Trustee for Partitions Plus of Wilmington, Inc., dba Partitions, Inc. dba Storm Protection Systems | |
| Plaintiff, | Adversary Proceeding No. 06-00152-8-JRL |
| v. | |
| United Rentals, Inc. | |
| Defendant | |

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that she is over eighteen (18) years of age and the **PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** was this day served upon the below named persons, parties and/or counsel by mailing, postage prepaid, first class mail, a copy of such instruments, to such persons, parties and/or counsel at the address shown below:

James R. Vann
Vann & Sheridan, LLP
PO Box 2445
Raleigh, NC 27602

Richard I. Hutson
Fullerton & Knowles, P.C.
12644 Chapel Rd, Suite 206
Clifton, VA 22554

Dated: March 30, 2007.



Jennifer L. McInnes, Paralegal
Howard, Stallings, From & Hutson, P.A.
Post Office Box 12347
Raleigh, NC 27605-2347
Telephone: (919) 821-7700
Facsimile: (919) 821-7703