

McNALLY & ASSOCIATES, L.L.C.
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Attorneys for Richard K. Birmingham

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In re: :
Chapter 7 Case No. 05-37691 (KCF)
RICHARD K. BIRMINGHAM, :
Debtor. :
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**ORDER GRANTING MOTION FOR
RELEASE OF UNCLAIMED SURPLUS FUNDS**

The relief set forth on the following pages numbering one (1) is hereby ORDERED.

THIS MATTER having been opened to the Court by Richard K. Birmingham, the above-captioned debtor (the “Debtor”), by and through his attorneys, McNally & Associates, L.L.C., upon the filing of the motion by the Debtor for Entry of an Order for Release of Unclaimed Surplus Funds (the “Motion”); and the Court having considered the Certification of Richard K. Birmingham in Support of the Motion, and the exhibits filed therewith; and it appearing that after administration of this Chapter 7 estate, that the Chapter 7 Trustee (Barry Frost) deposited with the Clerk of the Bankruptcy Court the sum of \$17,600.03 in surplus funds (the “Surplus Funds”); and it appearing that no party other than the Debtor has an interest in the Surplus Funds; and that the Debtor is the party with “full proof of the right thereto” in accordance with 28 U.S.C. § 2042; and good cause having been shown for the relief granted herein; IT IS

ORDERED that for the reasons stated in the Certification of Richard K. Birmingham filed with the Motion, and in accordance with 28 U.S.C. § 2042, the Clerk of the Bankruptcy Court is instructed to issue a check in the amount of \$17,600.93 payable to Richard K. Birmingham representing a refund to the Debtor of the Surplus Funds, and to deliver said check via mail to the Debtor’s counsel as follows:

McNally & Associates, L.L.C.
Attn: Stephen B. McNally, Esq.
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