



**IT IS ORDERED as set forth below:**

**Date: February 08, 2010**

*Mary Grace Diehl*

**Mary Grace Diehl  
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

In Re:	:	Case No. 08-68604-MGD
	:	
<b>STEPHEN MICHAEL RIORDAN</b>	:	Chapter 7
<b>and SANDRA JEAN RIORDAN,</b>	:	
	:	
Debtors.	:	Judge Diehl
	:	
<b>RICHARD F. SANFORD and</b>	:	
<b>MARGARET M. SANFORD,</b>	:	
	:	
Movants,	:	
v.	:	CONTESTED MATTER
	:	
<b>NEIL C. GORDON, Chapter 7 Trustee,</b>	:	
	:	
Respondent.	:	

**ORDER DENYING MOVANTS' MOTION TO COMPEL TRUSTEE TO ABANDON  
ESTATE'S INTEREST IN REAL PROPERTY**

Before the Court is Movants' Motion to Compel Trustee to Abandon Estate's Interest in Real Property ("Motion"). (Doc. No. 29). The matter came on for hearing February 4, 2010. Edward

Danowitz Jr., counsel for Movants, Joseph W. Segraves, counsel for Debtors, and Michael F. Holbein, attorney for the Chapter 7 Trustee were present at the hearing.

Movants are the parents of Debtor, Sandra Jean Riordan. Movants live in the property subject to dispute located at 1201 Primrose Lane, Woodstock Georgia ("Property"). The Trustee indicated in the April 29, 2009 interim report that he is assessing the value of the Property. The interim report also indicates that the Movants' ownership interest in the Property may be avoidable.

At the hearing, Movants asserted that there is no equity in the Property and that the Property is in need of repairs. The Trustee argued that the statute of limitations with respect to avoidance actions will run in May of 2010. The determination of value of the property and the Trustee's decision to abandon the Property will be made within a short period of time. There is no legal basis to interfere with the Trustee's administration of the estate at this time under 11 U.S.C. § 544. The Property does not present a burden to the estate, and there may be recoverable value for the estate. Accordingly, it is

**ORDERED** that Movants' Motion is **DENIED** without prejudice.

The clerk is directed to serve a copy of this Order on Debtors, Debtors' counsel, Movants', Movants' counsel, and the Chapter 7 Trustee.

**END OF DOCUMENT**

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