



IT IS ORDERED as set forth below:

Date: August 04, 2008

Mary Grace Diehl

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

United States Bankruptcy Court
for the Northern District of Georgia
Atlanta Division

In re)	Case No. 07-69665-MGD
)	
Meir Shoshan,)	Chapter 7
)	
Debtor.)	Judge Diehl
)	
John W. Ragsdale, Jr. As Trustee for the)	
Estate of Meir Shoshan,)	
)	
Plaintiff,)	
)	Adversary Proceeding
v.)	Case No. 08-06057
)	
Meir Shoshan as Joint Legal Guardian)	
for David Shoshan; Susan Shoshan)	
Individually, and as Joint Legal Guardian)	
for David Shoshan; and MSSH LLC;)	
)	
Defendants.)	

**ORDER CONDITIONALLY DENYING
DEBTOR'S REQUEST FOR GUARDIAN AD LITEM**

The is an Adversary Proceeding brought by John W. Ragsdale, as Trustee for the Estate of Meir Shoshan ("Trustee"). The Complaint is brought pursuant to 11 U.S.C. § 363(b) and (h)

to sell the interests of the estate and that of co-owners in three pieces of real estate identified in the Complaint as the Homestead, the Commercial Property and the Israel Property. The Defendants named in the Complaint are: (1) Debtor Meir Shoshan solely as joint legal guardian for his son, David Shoshan; (2) Susan Shoshan, ex-wife of Debtor, in her individual capacity and as joint guardian for her son, David Shoshan and (3) MSSH LLC, a limited liability corporation of which Debtor and Ms. Shoshan were the sole members.

The issue before the Court is Debtor's Request for Guardian Ad Litem (Docket No. 15) filed July 29, 2008. The Trustee filed a response to the Request on July 31, 2008. Debtor's Request relates solely to the Israel Property in which David Shoshan holds a one-third interest. For the reasons set forth herein, Debtor's Request is conditionally **DENIED**.

The Complaint alleges and Debtor's Answer to the Complaint (Docket No. 4) admits that Debtor is the legal guardian of David Shoshan as alleged in Paragraph 6 of Trustee's Complaint. As such, Bankruptcy Rule 7017(c) authorizes Debtor and Ms. Shoshan to represent the interests of their minor child in this proceeding. Indeed, the interests of the child are aligned with those of Ms. Shoshan who has an identical one-third interest in the Israel property. As such, there does not appear to be a demonstrated need for another party to represent the interests of the minor child. Debtor's request is not joined by the co-guardian, Ms. Shoshan.

While the Bankruptcy Rules authorize the Bankruptcy Court to appoint a guardian ad litem under certain circumstances, neither the Bankruptcy Code nor Rules make provisions for any compensation to be paid to such individual. In this instance, Debtor has not alleged that representation of his son by his general guardians, i.e., the parents, is inadequate. Debtor's request for the appointment of a guardian ad litem by the court is therefore **DENIED**. However,

if the Debtor and Ms. Shoshan determine that they cannot adequately represent the interests of their son in this matter and that the funds for his representation will come from his portion of the proceeds of the sale of the Israel property or from funds that are not property of the estate, the Court will reconsider its decision.

A trial in this matter has been scheduled for August 11, 2008 by Order entered on June 10, 2008 after a hearing at which Debtor was present. The filing of Debtor's Request and the Court's entry of this Order do not operate to take this matter off the Court's calendar.

END OF DOCUMENT

Distribution List:

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