

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: LANDAMERICA FINANCIAL GROUP,
INC., et al.,

Debtors.

Case No. 08-35994-KRH
Chapter 11
Jointly Administered

MILLARD REFRIGERATED SERVICES, INC.,

Plaintiff,

v.

APN 08-03147-KRH

LANDAMERICA 1031 EXCHANGE SERVICES,
INC.,

Defendant.

ORDER

In accordance with the Memorandum Opinion entered this date, the Court having found therein that the “Exchange Funds” (as that term is defined in the Memorandum Opinion) deposited into segregated bank accounts of Defendant Debtor LandAmerica 1031 Exchange Services, Inc. (“LES”) for the purpose of facilitating like-kind exchange transactions for Millard Refrigerated Services, Inc. (“Millard”) constitute property of the bankruptcy estate of LES, and are not held by LES pursuant to a resulting trust or an express trust for the benefit of Millard,

IT IS ORDERED that the motion for partial summary judgment of Plaintiff Millard Refrigerated Services, Inc., is **DENIED**; and it is further

ORDERED that the motion for partial summary judgment of Intervenor The Official Committee of Unsecured Creditors of LandAmerica Financial Group, Inc., is **GRANTED**; and it is further

ORDERED that the motion for partial summary judgment of Intervenor The Official Committee of Unsecured Creditors of LandAmerica 1031 Exchange Services, Inc., is **GRANTED**; and it is further

ORDERED that Count I and Count II of the Complaint filed by Plaintiff Millard Refrigerated Services, Inc. be, and they hereby are, **DISMISSED**.

ENTERED: _____

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

Copies to:

Lawrence O. Kamin
Terence K. McLaughlin
Elizabeth J. Bower
Willkie Farr & Gallagher, LLP
787 Seventh Avenue
New York, NY 10019

Dion W. Hayes
John H. Maddock, III
McGuireWoods LLP
One James Center
901 East Cary Street
Richmond, VA 23219

Craig A. Wolfe
Robert S. Friedman
Eric B. Post
Kelley Drye & Warren LLP
101 Park Avenue
New York, NY 10178-0002

David J. Ervin
Kelley Drye & Warren LLP
Washington Harbor, Suite 400
3050 K Street, NW
Washington, DC 20007-5108

Bruce H. Matson
Christopher L. Perkins
LeClair Ryan, A Professional Corporation
Riverfront Plaza, East Tower
951 East Byrd Street, Eighth Floor
Richmond, VA 23219

Jeffrey S. Sabin
Mark M. Elliott
Justin G. Imperato
Bingham McCutchen LLP
399 Park Avenue
New York, NY 10022

Charles R. Gibbs
Keefe Bernstein
Sarah Link Schultz
Akin Gump Strauss Hauer & Feld LLP
1700 Pacific Avenue, Suite 4100
Dallas, TX 75201

Mary A. House
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

Lynn Tavenner
Paula S. Beran
Tavenner & Beran., PLC
20 North Eighth Street, Second Floor
Richmond, VA 23219

Robert B. VanArsdale
Assistant U. S. Trustee
701 East Broad Street, Suite 4304
Richmond, VA 23219