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*Attorneys for The Official Committee of Unsecured
 Creditors of LandAmerica 1031 Exchange Services,
 Inc.*

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

	X	
	:	
In re:	:	Chapter 11
	:	
LandAmerica Financial Group, Inc., <u>et al.</u> ,	:	Case No. 08-35994
	:	
Debtors.	:	Jointly Administered
	X	
Millard Refrigerated Services, Inc.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Proc. No. 08-03147
	:	
LandAmerica 1031 Exchange Services, Inc.,	:	
	:	
Defendant.	:	
	X	

**MOTION FOR PARTIAL SUMMARY JUDGMENT OF
 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
LANDAMERICA 1031 EXCHANGE SERVICES, INC.**

Pursuant to Federal Rule of Civil Procedure 56, made applicable to bankruptcy proceedings by Federal Rule of Bankruptcy Procedure 7056, the Official Committee of Unsecured Creditors (the “LES Committee”) of LandAmerica 1031 Exchange Services, Inc.

("LES"), by and through its counsel of record, respectfully submits this Motion for Partial Summary Judgment, seeking dismissal of the First and Second Claims for Relief in the Complaint of plaintiff Millard Refrigerated Services, Inc. ("Millard") and determinations that the funds at issue are property of the estate and that LES does not hold funds pursuant to an express or resulting trust for the benefit of Millard.

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. The subject matter of this motion is a core matter pursuant to 11 U.S.C. § 157(a) and (b).

2. As set forth in detail in the accompanying Memorandum of Law, the LES Committee is entitled to summary judgment on the First and Second Claims for relief in Millard's Complaint. In those claims, Millard contends that certain funds held in LES's bank accounts were held in trust for Millard and are not property of LES's estate. As the summary judgment evidence demonstrates, Millard cannot sustain its burden of proving that the parties' Exchange Agreements created a trust arrangement, or that it was the parties' intent to do so. Even if the Court does not dismiss Millard's First and Second Claims for relief in their entirety, the Court should grant summary judgment and find that the funds are property of the estate and that LES does not hold funds pursuant to an express or resulting trust for Millard's benefit.

3. In support of this Motion, the LES Committee submits and fully incorporates into this Motion its Memorandum of Law, along with its summary judgment Appendix and all exhibits.

4. For each of the reasons set forth in the Memorandum of Law, the LES Committee requests that the Court grant summary judgment in its favor on the First and Second Claims for Relief in Millard's Complaint, order that the funds are property of the estate, order that LES does

not hold funds pursuant to an express or resulting trust for Millard's benefit, and grant such other relief to which the LES Committee is entitled.

Dated: Richmond, Virginia
March 3, 2009

/s/ Mary A. House

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March 2009, a true and correct copy of the foregoing Motion for Partial Summary Judgment of the Official Committee of Unsecured Creditors of LandAmerica 1031 Exchange Services, Inc. has been served: (i) via United States mail, first class, postage prepaid; and (ii) via email on the parties listed below and on all parties receiving notification through the Court's ECF system.

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