

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: April 15 2009

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: 4-15-2009

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