

FILED

JUL 27 2005

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Chapter 7
DONA GARRISON,) No. 4-04-bk-02850-JMM
Debtor.) **MEMORANDUM DECISION**

A hearing on the Trustee's motion to approve settlement agreement came on regularly for hearing on July 26, 2005. The parties, including the Debtor acting in *propria persona*, were present.

The Trustee noted that the settlement and compromise of Jack Watson's claim will enable the estate to pay all of the Debtor's unsecured claims 100%, with interest, as well as all administrative claims. This constitutes a powerful argument for approval of the compromise as being in the paramount best interests of creditors.

The Debtor contends that her claims against Jack Watson, the one-half owner of property with her, and her unresolved dispute with this creditor should take priority over the creditors' interests. However, no adversary proceeding has been filed to contest that claim.

In considering whether to approve a settlement, the Ninth Circuit Court of Appeals requires a court to consider four factors:


- A. The probability of success in the litigation;
- B. The difficulties, if any to be encountered in the matter of collection;
- C. The complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; and
- D. The paramount interests of the creditors and a proper deference to their reasonable views in the premises.

In re A & C Properties, 784 F.2d 1377, 1381 (9th Cir. 1986); *In re Woodson*, 839 F.2d 610 (9th Cir. 1987).

1 Upon consideration of each of the factors, and weighing them thoughtfully, the court finds
2 and concludes that the Trustee's compromise should be approved and the Debtor's objection overruled.

3 A separate order will be entered. FED. R. BANKR. P. 9021.

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5 DATED: July 27, 2005.

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7 
8 JAMES M. MARLAR
 UNITED STATES BANKRUPTCY JUDGE

9 COPIES served as indicated below this 27
10 day of July, 2005, upon:

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