

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE**

In re

Case No. 00-33898

CATHERINE L. PRINTUP  
a/k/a CATHERINE FLOWERS  
a/k/a KATIE PRINTUP  
a/k/a CATHERINE HOLLAND

Debtor

CATHERINE L. PRINTUP

Plaintiff

v.

Adv. Proc. No. 00-3152

HOUSEHOLD FINANCIAL SERVICES,  
INC. and ASSOCIATES FINANCIAL  
SERVICES CO., INC.

Defendants

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***PUBLISHED:***

***NOTICE OF APPEAL FILED:*** August 16, 2001

***DISTRICT COURT No.:*** 3:01-cv-451

***DISPOSITION:*** September 4, 2002 Judge Leon Jordan affirmed bankruptcy court decision.

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Defendants

**MEMORANDUM ON MOTION TO AMEND JUDGMENT**

APPEARANCES: JAMES M. CRAIN, ESQ.  
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Attorneys for Household Financial Services, Inc.

**RICHARD STAIR, JR.**  
**UNITED STATES BANKRUPTCY JUDGE**

By a Motion to Amend Judgment (Motion) filed on August 3, 2001, the Debtor asks the court to amend its July 26, 2001 Judgment.

The arguments contained in the Debtor's Motion and supporting brief are premised on one central thesis - that two Deeds of Trust executed on July 10, 1997, by the Debtor and her estranged husband, Duane Printup, are invalid encumbrances under Tennessee law because each instrument fails to identify a trustee. In its July 26, 2001 Memorandum filed with the Judgment, the court expressly declined to address this unsettled question of state law, instead resolving the parties' dispute on alternate grounds. *See Printup v. Household Fin. Servs., Inc. (In re Printup)*, Ch. 7 Case No. 00-33898, Adv. No. 00-3152, slip op. at 4 (Bankr. E.D. Tenn. July 26, 2001). The court will not now revisit the Debtor's previously rejected theory. *See Helton v. ACS Group*, 964 F. Supp. 1175, 1182 (E.D. Tenn. 1997) (Motions to amend must be based on newly discovered evidence unavailable at trial, a manifest error of fact or law by the court, an intervening change in the law, or the need to prevent manifest injustice.).

The Debtor and Mr. Printup own their residence as tenants by the entirety. Because of complications arising from that joint ownership, the Debtor questions the practicality of the court's Judgment directing her to sign amended copies of the Deeds of Trust. In its Memorandum, the court recognized that "[t]he Defendants are confronted with the problem of having but one of the co-owners of the property before the court." *See Printup*, slip op. at 5 n.3. Nonetheless, that the Defendants may need to take additional steps to secure Mr. Printup's signature does not lessen the validity of the court's Judgment as it pertains to the Debtor, who was the only co-owner properly

before the court. It was, after all, the Debtor who commenced this adversary proceeding without joining her husband.

The Debtor's Motion must be denied. An appropriate order will be entered.

FILED: August 9, 2001

BY THE COURT

/s/ Richard Stair, Jr.

RICHARD STAIR, JR.  
UNITED STATES BANKRUPTCY JUDGE

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**ORDER**

For the reasons stated in the Memorandum on Motion to Amend Judgment filed this date, the court directs that the Plaintiff's Motion to Amend Judgment filed August 3, 2001, is DENIED.

SO ORDERED.

ENTER: August 9, 2001

BY THE COURT

/s/ Richard Stair, Jr.

RICHARD STAIR, JR.  
UNITED STATES BANKRUPTCY JUDGE