IN THE CHANCERY COURT OF LEWIS COUNTY
AT HOHENWALD, TENNESSEE

FILED
AT 10:43 O'CLOCK A. M.
SEP 09 2005
JANET WILLIAMS, CLERK & MASTER
BY Selena Wix

IN RE: SENTINEL TRUST COMPANY	))))	Case No. 4781

ORDER CONCERNING COUNSEL APPEARANCE AT HEARING ON SENTINEL TRUST RECEIVER'S FEE APPROVAL MOTIONS

In open court on August 29, 2005, the Sentinel Trust Receiver requested that its counsel be excused from appearing at the Court's civil motion docket call if the only matter pending was the monthly motion for approval of Receiver, Outside Counsel and Third Party Contractors Fees ("fee approval motion") and if no written objections had been filed regarding that fee approval motion.[1] The Sentinel Trust Receiver asserted that not having counsel appear, if the fee approval motion is not contested, would save the Sentinel Trust Receivership estate significant costs and expenses. The Sentinel Trust Receiver further asserted that its counsel would be present on the noticed hearing date if the Court communicated, prior to that date, questions concerning the fees for which approval was sought and/or its counsel would be present at the next scheduled civil motion docket if the Court had questions on the noticed hearing date concerning the pending fee approval motion.

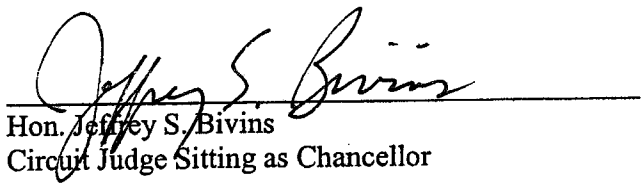
The Court is persuaded that the Sentinel Trust Receiver's request has merit. The Court also notes that in open court on August 29, 2005, when the Sentinel Trust Receiver made its request, the Court inquired of Donald Schwendimann, Esq. (who was present at the August 29,

[1] By previous Order, entered on August 4, 2005, any written objections are required to be filed seven (7) days prior to the noticed hearing date of the motion.

2005 civil motion docket) as to whether he had objection to what the Sentinel Trust Receiver was requesting -- Mr. Schwendimann's response being that he had no objection.

Accordingly, it is ORDERED that counsel for the Sentinel Trust Receiver need not appear at the Court's civil motion docket if the only matter pending is the routine monthly fee approval motion and if there are no written objections filed one week prior to the noticed hearing date for that motion. The Sentinel Trust Receiver will make its counsel available, however, if the Court has questions concerning the motion for approval of fees either on the noticed hearing date or on the next scheduled civil motion docket. In filing its fee approval motion, the Sentinel Trust Receiver will also submit a proposed order (with a copy to all listed on the Certificate of Service) for the Court to sign and enter if it has no questions and there are no objections made concerning the fee approval motion. The Sentinel Trust Receiver will also include, in the Notice of Hearing portion of any fee approval motion, language that will give notice of the potential that the Court will rule upon the motion and enter the proposed order, without hearing, if no written objections are filed one week prior to the noticed hearing date or if no verbal objections are made on the noticed hearing date.

It is so ORDERED, this the 6th day of September, 2005.



Hon. Jeffrey S. Bivins
Circuit Judge Sitting as Chancellor

Submitted for Approval

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CERTIFICATE OF SERVICE

This is to certify that on August 30th, 2005 a copy of the foregoing Order has been sent by First Class U.S. Mail, postage paid, and also by facsimile transmission as noted, to:

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