

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

In re:

Case No. 6:07-bk-06020-ABB  
Chapter 7

RONALD W. SKEDDLE,

Debtor.

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**ORDER**

This matter came before the Court on the Motion for Turnover of Debtor's Inheritance (Doc. No. 25) filed by Marie Henkel, the Chapter 7 Trustee herein ("Trustee"), and the Response thereto (Doc. No. 31) filed by the Debtor Ronald W. Skeddle. An evidentiary hearing was held on August 18, 2008 at which the Trustee, the Debtor, and their respective counsel appeared.

The Debtor filed this case on November 27, 2007 and listed as an asset in Schedule B (Doc. No. 1) an inheritance interest of \$12,246.17 in the estate of Charles J. Skeddle, the Debtor's deceased father ("Charles Skeddle"). The Debtor asserts Charles Skeddle's will provides the Debtor is a beneficiary who is entitled to receive twenty-five percent of the deceased's estate, with fifty-percent of such inheritance interest to be distributed to the Debtor's former wife Marcella T. Skeddle ("Former Wife") pursuant to a Divorce Property Settlement.

The parties did not present copies of Charles Skeddle's will or the Divorce Property Settlement. The Debtor's inheritance interest is not claimed as exempt. The Trustee seeks turnover of the full amount of \$12,246.17 pursuant to 11 U.S.C. Sections 541 and 542.

Charles Skeddle passed away prepetition and a probate proceeding is pending in the Court of Common Pleas of Allegheny County, Pennsylvania, Orphans' Court Division ("Probate Court") captioned In re Estate of Charles J. Skeddle, Deceased, No. 0206-05306.<sup>1</sup>

There are two pending issues in the probate proceeding that may affect distribution: (i) the claim of Fifth Third Bank against the Debtor's inheritance interest; and (ii) the Debtor's purported assignment of his inheritance interest to his current wife.

Fifth Third Bank was awarded several judgments in 2005 against the Debtor and various other defendants, including the Former Spouse, and filed a claim against the Debtor's inheritance share in the probate proceeding (Trustee's Exh. No. 4). It was awarded judgment in the principal amount of \$765,000.00 against the Debtor and the Former Spouse, jointly and severally.

The Debtor is now married to Dorothy D. Wynn ("Wynn") and attempted to assign his "rights to future distribution" from the probate estate to Wynn effective January 1, 2007 (Trustee's Exh. No. 3). Such purported transfer is not disclosed in the Debtor's Statement of Financial Affairs. The validity of the purported assignment and the legitimacy of Fifth Third Bank's claim are being determined by the Probate Court.

The Trustee made demand upon the estate's Personal Representative for turnover of the Debtor's full twenty-five percent interest, without deducting the Former Spouse's asserted fifty-percent interest in the Debtor's inheritance interest. Counsel for the Personal Representative denied the request explaining (Trustee's Exh. No. 6):

Pursuant to the Decree of Distribution of the Court of Common Pleas of Allegheny County, Orphans' Court Division, the share due Ronald Skeddle is suspended until further Order of the Court pending resolution of certain issues relating to said share. Those issues include Ronald Skeddle's purported assignment of his share and the legitimacy of the claim of Fifth Third Bank against said share.

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<sup>1</sup> Alan Skeddle is the Personal Representative of the probate estate and is represented by counsel. His

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counsel was served with a copy of the Motion, but did not file a response or appear.

Such issues were unresolved in the probate proceeding as of April 8, 2008. The parties have provided no information regarding the current status of the probate proceeding and whether such issues have been resolved.

The Trustee has established the Debtor's inheritance interest, whatever that interest may be as determined by the Probate Court, constitutes property of the bankruptcy estate pursuant to 11 U.S.C. Section 541(a) and is subject to turnover pursuant to 11 U.S.C. Section 542(a).

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the Trustee's Motion for Turnover is hereby **GRANTED** insofar as the Probate Court determines the Debtor is entitled to a distribution in the probate proceeding.

Dated this 4<sup>th</sup> day of September, 2008.

/s/ Arthur B. Briskman  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge