

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re Philip Wayne Dorton, Debtor,)

KEVIN R. MCCARTHY, TRUSTEE,)
Plaintiff/Appellant,)

v.) Civil Action No. 05-1409 (GK)

BMW BANK OF NORTH AMERICA,)
Defendant/Appellee.)

ORDER

Appellant Kevin R. McCarthy, the Chapter 7 trustee ("Trustee"), appeals a judgment from the United States Bankruptcy Court for the District of Columbia dismissing his adversary proceeding. The Bankruptcy Court held that Appellee BMW Bank of North America's ("BMW Bank") security interest in a 2000 BMW 328i was not avoidable under 11 U.S.C. § 547 and entered judgment consistent with its decision on June 21, 2005.

This matter is before the Court on the Trustee's appeal of the Bankruptcy Court's judgment, [#2]. Upon consideration of the parties' briefs and the entire record herein, and for the reasons stated in the Memorandum Opinion, it is hereby

ORDERED that the Bankruptcy Court's June 21, 2005 judgment is
affirmed.

August 8, 2006

/s/_____
Gladys Kessler
United States District Judge

Copies To: Attorneys of record via ECF