

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re:

SHERYL J. VERNET, <i>Debtor(s)</i>	:	Case No. 05-22851T
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SHERYL J. VERNET GUNNAR VERNET, <i>Plaintiff(s)</i>	:	
v.	:	Adv. No. 05-2270
D.A.N. JOINT VENTURE III, L.P., <i>Defendant(s)</i>	:	

**ORDER**

AND NOW, this 27<sup>th</sup> day of January, 2006, it is ORDERED that Defendant's Motion for Judgment on the Pleadings, to Dismiss for Lack of Subject Matter Jurisdiction is GRANTED as the Court finds that this adversary proceeding is a non-core matter which is not related to the administration of Debtor's no asset chapter 7 bankruptcy case, her discharge in Chapter 7 or the rights of creditors herein. See Pacor, Inc. v. Higgins, 743 F.2d 984, 994 (3<sup>rd</sup> Cir. 1984)(emphasis omitted)("the test for determining whether a civil proceeding is related to bankruptcy is whether the outcome of that proceeding could conceivably have any effect on the estate being administered in bankruptcy").<sup>1</sup>

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1. We agree with Defendant that if it pursues any proceeding other than foreclosure against a parcel of real estate in which Debtor has no ownership rights, claims, interests or entitlements (and which Debtor would not have been therefore have been entitled to list as an asset on her Schedules), Debtor retains the right to seek relief on the theory that Defendant's actions violated the effect of the Discharge Order. Furthermore, Debtor

Reading, PA

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THOMAS M. TWARDOWSKI  
United States Bankruptcy Judge

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was aware of any potential subrogation claims at the time she filed her chapter 7 bankruptcy petition and chose not to list as creditors in her Schedules either the purchaser of the Golf Road property or his title insurer. See Judd v. Wolfe, 78 F.3d 110 (3<sup>rd</sup> Cir. 1996).