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United States Bankruptcy Court Southern District of Texas

ENTERED

October 25, 2023 Nathan Ochsner, Clerk

IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

LUIS ALBERTO CASTANEDA and	§	CASE NO. 20-35854
ESTHER ALICIA CASTANEDA,	§	
DEBTORS	<u></u>	CHAPTER 7
	§	
MATTHEW MCCLUNG,	§	
Plaintiff	§	
	§	
vs.	§	
	§	
LUIS ALBERTO CASTANEDA and	§	ADVERSARY CASE NO. 21-03051
ESTHER ALICIA CASTANEDA,	§	
DEBTORS	§	

ORDER FOR TURNOVER OF PROPERTY

(ECF No. 46)

On this day come on for consideration the Motion for Turnover of Property from Luis

Alberto Castaneda and Esther Alicia Castaneda (the "**Motion**") filed by Plaintiff and Judgment Creditor, Matthew McClung in the above referenced bankruptcy case and after considering the Motion and the exhibits thereto, the Court is of the opinion and finds that the notice of the Motion was in all respects proper and no further notice is necessary, and that the Motion is well taken and should be GRANTED. Accordingly, it is

ORDERED ADJUDGED AND DECREED that the Motion is GRANTED.

Further it is ORDERED ADJUDGED AND DECREED that Luis Alberto Castaneda and Esther Alicia Castaneda shall turn over to Matthew McClung their claim immediately in 998 *Qin Family I, LLC v United States (In re Upstream Addicks and Barker (Texas) Flood Control Reservoirs*, Case No. 1:18-cv-00855-CFL, US Court of Claims ("**Upstream Claim**") or the proceeds thereof when received in the amount of up to \$137,500.00 plus interest at the Federal post judgment rate of 0.544% (as of October 25, 2023).

Further it is ORDERED ADJUDGED AND DECREED that if the proceeds of the Upstream Claim are paid to counsel, Edwin Armistead "Armi" Easterby of Williams

Order for Turnover of Property of Luis Alberto Castaneda and Esther Alicia Castaneda *McClung vs. Castanedas*; Adversary No. 21-03051 Page 1 of 2

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Kherkher Hart Boundas, LLP or his firm, Mr. Easterby shall turnover to Matthew McClung the Casteneda's proceeds from their Upstream Claim when received.

Further it is ORDERED that this turnover is subject to any homestead claims that the debtors may make at the future date the turnover occurs. The Court retains jurisdiction to enforce and interpret this order. The motion at ECF No. 52 is now moot.

Signed: October 25, 2023

Jefffel P. Norman

Approved to in form by:

JOHN AKARD, JR. State Bar No. 00790212 COPLEN & BANKS, P.C. 11111 McCracken, Suite A Cypress, TX 77429 Telephone: 832-237-8600 Telecopier: 832-237-2088 ATTORNEYS FOR MATTHEW MCCLUNG