

**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
21ST JUDICIAL DISTRICT, LEWIS COUNTY**

KEVIN P. LAVENDER, IN HIS)
OFFICIAL CAPACITY AS)
COMMISSIONER-IN-POSSESSION OF)
SENTINEL TRUST COMPANY AND)
RECEIVERSHIP MANAGEMENT, INC.,)
RECEIVER OF SENTINEL TRUST COMPANY)

Plaintiffs,)

v.)

No. 4980

DANNY N. BATES, CLIFTON TODD BATES,)
HOWARD H. COCHRAN, GARY L. O'BRIEN,)
DEANNA JUNE BATES and SENTINEL)
SERVICES CORPORATION,)

Defendants.)

**MOTION BY COMMISSIONER-IN-POSSESSION AND RECEIVER
FOR PROCEEDINGS TO CONTINUE WITH JUDGE BIVINS PRESIDING**

This action is highly related to the parallel receivership action pending before the Court: In re: Sentinel Trust Company (Lewis County Chancery Court #4781). In that pending action, a motion similar to this one has been filed requesting that Judge Bivins continue to preside over that receivership case.

The Commissioner-in-Possession and the Receiver assert that, because Judge Bivins is well-versed in the circumstances relating to the Sentinel Trust receivership proceedings (which gave rise to this action), he should retain this action and preside over its proceedings beyond the January 1, 2006 date upon which the normal rotation will have Judge Easter assuming the Lewis County Chancery Court docket.


This case, which is a complex one highly interwoven with the facts of the parallel Sentinel Trust receivership action, will progress more efficiently and with greater judicial economy if Judge Bivins continues to preside over it.

In requesting this relief, the Commissioner-in-Possession and Receiver do not request transfer of the venue of this action -- it will still be a Lewis County Chancery Court action with filings made with the Lewis County Clerk & Master. At trial, the jury pool would be that normally called by the Lewis County Clerk & Master, and, of course, the trial will occur in Hohenwald at a time convenient to Judge Bivins' calendar. It is requested, however, that hearings on motions occur in Franklin, Tennessee on the Court's regular Williamson County motion days, unless otherwise instructed by the Court (which is more convenient to all counsel of record, save Mr. Schwendimann). Chambers copies of filings can be delivered to Judge Bivins in Franklin, Tennessee for his review and study prior to hearings on matters arising from this action (this practice has already been followed by various counsel in this action on various motions).


Respectfully, the logistical issues of making sure Judge Bivins has an appropriate record at his disposal when ruling on matters can be addressed and do not outweigh the judicial efficiencies that will be realized if a judge very familiar with the factual background and circumstances giving rise to this complicated case continues to preside over the matter.

Accordingly, the Commissioner-in-Possession and Receiver request that Judge Bivins continue to be the judge presiding over this proceeding.

Respectfully submitted,


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*Counsel for Commissioner Kevin P. Lavender, as
Commissioner-in-Possession of Sentinel Trust
Company*


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*Counsel to Receivership Management, Inc.,
Receiver for Sentinel Trust Company*

**THIS MOTION IS SET TO BE HEARD ON THE 5TH DAY OF DECEMBER, 2005
AT 9:00 A.M. IN HOHENWALD, LEWIS COUNTY, TENNESSEE.**

**However, pursuant to previous Order of Court (entered September 9, 2005),
if no written objections are filed and served by November 28, 2005, movants
are relieved from being present in Hohenwald, Lewis County, Tennessee on
December 5, 2005, and the Motion will be granted, absent timely filed written
objections, absent concern of the Court or absent material oral objections
made on December 5, 2005.**

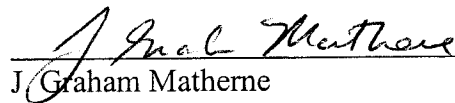
CERTIFICATE OF SERVICE

This is to certify that on November 18th, 2005 a copy of the foregoing Motion has been sent by First Class U.S. Mail, postage paid, and also by facsimile, to:

Donald Schwendimann
12 East Fourth Avenue
P.O. Box 366
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J. Graham Matherne

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