

**THE CHANCERY COURT FOR LEWIS COUNTY
AT HOHENWALD, TENNESSEE**

IN RE:

SENTINEL TRUST COMPANY

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NO. 4781

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

The Commissioner-in-Possession and Receiver respectfully move for the proceedings of the Sentinel Trust Company Receivership ("Receivership") to continue before the Honorable Jeffrey S. Bivins. The reason for this request is that the normal rotation of judges in this circuit will have another judge covering the Lewis County Chancery Court docket beginning January 1, 2006, and Judge Bivins has become very familiar with this action and the details and complexities presented by this Receivership. He has ruled upon motions brought and opposed in this case since January 2005. The Commissioner-in-Possession and Receiver know that further matters will be brought before the Court concerning the Receivership. Those matters necessarily will involve matters previously decided by Judge Bivins and/or with which Judge Bivins would be familiar. Accordingly, judicial efficiencies clearly weigh in favor of having Judge Bivins continue to preside over the Receivership proceedings.

The need for continuity in these Receivership proceedings is not merely an academic proposition, but one which Judge Bivins and the parties to this action have experienced first-hand. This Receivership was initiated on May 18, 2004 at a time when Judge R.E. Lee Davies was covering the Lewis County Chancery Court docket. In December 2004, the Commissioner-

in-Possession and the Receiver made a motion, similar to this Motion, requesting that Judge Davies remain as the presiding judge over the Receivership for the same reasons set forth herein -- familiarity with a complex and ongoing matter, the reality that upcoming matters would rely upon previous rulings, etc. See copy of the December 2004 motion attached as **Exhibit A**. Judge Davies denied the motion. See copy of Court order attached as **Exhibit B**. In early 2005, Judge Donald Harris, who had announced the taking of senior status, but who had agreed to cover the Lewis County Chancery docket until a replacement judge had been appointed, ruled on motions presented by the Receiver, which, respectfully, contradicted and conflicted with previous rulings made in the Receivership proceedings by Judge Davies. The effect of Judge Harris' rulings placed the Receivership proceedings on hold for several months and at a time when many matters needed to be addressed in a consistent fashion. During this timeframe, Judge Bivins was appointed to fill the vacancy in the judicial district left by Judge Harris' taking of senior status. In ruling upon the Commissioner-in-Possession's and Receiver's Motion to Reconsider Judge Harris' rulings, Judge Bivins vacated Judge Harris' rulings and further ruled on those motions in a manner consistent with what had been previous and established rulings by Judge Davies. In so doing, Judge Bivins expressed the need to maintain consistency of ruling during the pendency of the case. Now Judge Bivins, who has issued many rulings in this Receivership proceeding and who is very familiar with the matters relating to this Receivership, is the one best able to continue in an efficient fashion to assure the consistency of rulings which he, from his first exposure to this Receivership, saw need to address.

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. Although it is not expected that a jury

