UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re: ROBERT L. HAYNES, JR., DEBTOR	)	Chapter 13 Case No. 05-41000-JBR

ORDER

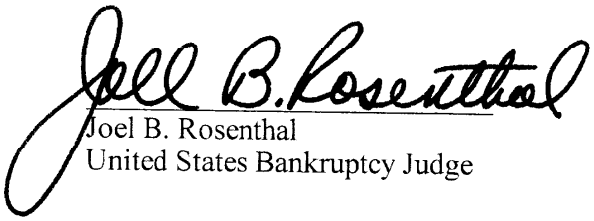
After hearing and upon due consideration of the memoranda of law and all other written submissions of the Debtor Robert Haynes (the "Debtor") and Creditor Fuller Automotive Services, Inc. (the "Creditor"), **IT IS HEREBY FOUND AND ORDERED**:

1. The Debtor's Objections to Creditor Fuller Automotive Services, Inc.'s (the "Creditor") Proof of Claim [Docket # 19] and Amended Proof of Claim [Docket # 69] are deemed superceded by the Debtor's Objection to the Creditor's Replacement Proof of Claim [Docket # 72].
2. The Creditor's claims of Conversion, Fraud and Uttering and Passing Forged Checks, having been asserted more than three years after these causes of action accrued, are time barred pursuant to M.G.L. c. 260, § 2A, and are hereby dismissed. The Debtor's Objection to the Creditor's Replacement Proof of Claim [Docket No. 72] is accordingly SUSTAINED IN PART.
3. The Creditor's claims for Breach of Contract, Money Had and Received and Unjust Enrichment, having been asserted within six years after these causes of action accrued, are timely pursuant to M.G.L. c. 260, § 2.
4. Factual issues exist as to whether the promissory note signed by the parties on August 23, 1999 constituted an accord and satisfaction and whether the Creditor

has fully accounted for payments made by the Debtor on said note. To resolve these issues, an evidentiary hearing is necessary. A Pretrial Order will be issued.

Dated: July 5, 2005

By the Court,



Joel B. Rosenthal
United States Bankruptcy Judge