



SO ORDERED.

SIGNED this 18th day of September, 2006.


LARRY E. KELLY
UNITED STATES CHIEF BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: §
ENRIQUE LOYA, JR., §
Debtor. § **CASE NO. 04-32589-LEK**
§ **Chapter 11**

ENRIQUE LOYA, JR., §
Plaintiff, §
v. § **ADV. NO. 05-3059**
BUSINESS LOAN CENTER, INC., §
Defendant. §

**ORDER GRANTING IN PART, AND DENYING IN PART,
MOTION OF BUSINESS LOAN CENTER, INC.,
FOR PARTIAL SUMMARY JUDGMENT**

On this date came on to be considered the Motion for Summary Judgment filed on behalf of the Defendant, Business Loan Center, Inc., (“BLC”) in the above styled and numbered adversary proceeding (the “Motion”), along with the Response thereto, filed on behalf of the Plaintiff, Enrique Loya, Jr. (“Loya”). In accordance with its findings and conclusions as set

forth in its Memorandum Opinion entered contemporaneously herewith, the court finds that the Motion should be granted in part and denied in part, as follows.

IT IS, THEREFORE, ORDERED that partial summary judgment is hereby entered in favor of the Defendant BLC and against the Plaintiff, denying Loya's claims that BLC's claim for attorneys fees and other charges are disallowed and discharged by virtue of the Plan and/or the Confirmation Order and his claims for any and all damages.

IT IS FURTHER ORDERED that BLC's request for partial summary judgment for relief requested in Adversary No. 06-3027 is hereby DENIED without prejudice.

IT IS FURTHER ORDERED that the court specifically reserves for determination at trial the issues of (1) whether and to what extent the BLC's attorneys fees and other charges are provided for under its agreement and are reasonable, and (2) to what extent payments, if any, that were previously allocated to any portion of its claim that may be disallowed, should be re-allocated to the allowed portion(s) of its claim.

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