

**PUBLISH**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE:</b>	)	
	)	
<b>CHERYL KAY NAVE,</b>	)	<b>Case No. 99-40928</b>
	)	<b>Chapter 13</b>
	)	
<b>Debtor.</b>	)	
_____	)	
	)	
<b>CHERYL KAY NAVE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Adversary No. 99-7085</b>
	)	
<b>COMMUNITY AMERICA CREDIT UNION,</b>	)	
<b>f/k/a SANTA FE CREDIT UNION,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**JUDGMENT ON DECISION**

The plaintiff Cheryl Kay Nave moves for summary judgment on her adversary complaint alleging violations of the Truth in Lending Act (“TILA”) and the Kansas Consumer Protection Act (“KCPA”) as a result of TILA disclosures made by the Community America Credit Union relating to two vehicles it financed. Specifically, the plaintiff contends that Community America Credit Union’s failure to include the amount of premiums for credit life insurance and credit disability insurance in the “Amount Financed” constitutes a violation of TILA and is an unconscionable practice under the KCPA.

As set forth in the Memorandum Opinion issued this date, the Court finds that there are no genuine issues of material fact, and that in reviewing the facts in a light most favorable to defendant

the plaintiff's supplemental motion for summary judgment must be denied.

It is therefore ORDERED, ADJUDGED, AND DECREED that plaintiff has failed to establish, as a matter of law, a violation of the TILA by Community America Credit Union and has failed to establish that Community America Credit Union's disclosures were unconscionable practices in violation of the KCPA. Plaintiff's supplemental motion for summary judgment on her adversary complaint is DENIED. Community America Credit Union's motion for summary judgment on the issue of recoupment is MOOT. The above adversary proceeding is therefore dismissed with prejudice.

IT IS SO ORDERED.

Dated this 15th day of December, 2003.

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ROBERT E. NUGENT  
CHIEF BANKRUPTCY JUDGE  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **Judgment on Decision** was deposited in the United States mail, postage prepaid on this 15th day of December, 2003, to the following:

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Janet Swonger,  
Judicial Assistant to the  
Honorable Robert E. Nugent