

**IN THE CHANCERY COURT OF THE STATE OF TENNESSEE
DAVIDSON COUNTY**

LESLIE L. NEWMAN, Commissioner)	
of the Tennessee Department of)	
Commerce and Insurance,)	
)	
Plaintiff,)	
)	No. 10-507-III
v.)	
)	
BART S. POSEY, SR., and ANGIE)	
POSEY,)	
)	
Defendants.)	

**RESPONSE TO LIQUIDATOR'S PETITION TO RECOVER DAMAGES
FROM BART S. POSEY, SR., AND ANGIE POSEY**

1. The record in this case and Tenn. Code Ann. § 56-9-313(b)(1) speak for themselves. The defendants deny that Service America Assurance operated with principal offices located at 4676 Highway 41 North, Springfield, Tennessee 37172 or at 400 Memorial Boulevard, Springfield, Tennessee 37172. All allegations not specifically admitted above are denied.
2. Admitted.
3. Admitted.
4. Admitted that the Court has subject matter jurisdiction. All allegations not specifically admitted above are denied.
5. Admitted.

6. Admitted that Bart Posey had signatory authority on some bank accounts connected with SDS and SAA. All allegations not specifically admitted above are denied.

7. Admitted that Angie Posey had signatory authority on some bank accounts connected with SDS and ATA.

8. Denied.

9. Denied.

10. Denied. The defendants did not make any unlawful or fraudulent transfers.

11. Denied.

12. Paragraph 12 does not require a response.

13. Denied.

14. Denied.

15. Denied.

16. Paragraph 16 does not require a response.

17. Denied.

18. Admitted that the defendants were insiders of SDS. Denied that the defendants were insiders of ATA.

19. Denied.

20. Denied.

21. Paragraph 21 does not require a response.

22. Denied.

23. Denied.
24. Paragraph 24 does not require a response.
25. Denied.
26. Denied.
27. Denied.
28. Paragraph 28 does not require a response.
29. Denied.
30. All allegations not specifically admitted above are denied.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. The applicable statutes of limitations bar the plaintiff's claims.
3. The plaintiff was not a creditor of the businesses subject to the liquidation order.
4. The transfers at issue were made in good faith.
5. The defendants had no intent to hinder, delay, or defraud any creditor.
6. The defendants move this Court for leave to amend their affirmative defenses and plead further applicable defenses more specifically at the conclusion of their investigation and discovery.

Respectfully submitted:



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CERTIFICATE OF SERVICE

I hereby certify this 6th day of April, 2011, that the foregoing pleading was served by U.S. mail, postage prepaid, and by email on Robert M. Garfinkle, Garfinkle, McLemore & Young, PLLC, 2000 Richard Jones Road, Suite 250, Nashville, Tennessee 37215

