

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 13a0526n.06

No. 12-5763

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
**May 29, 2013**  
DEBORAH S. HUNT, Clerk

In re: WILLIAM W. PIERCE, JR., )  
 )  
 Debtor, )  
 )  
 MAXIE E. HIGGASON, JR., )  
 CHAPTER 7 TRUSTEE, )  
 )  
 Plaintiff-Appellee, )  
 )  
 v. )  
 )  
 VANDERBILT MORTGAGE AND )  
 FINANCE, INC., )  
 )  
 Defendant-Appellant. )

ON APPEAL FROM THE UNITED  
STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF  
KENTUCKY

OPINION

Before: MOORE, SUTTON, and DONALD, Circuit Judges.

**Bernice B. Donald, Circuit Judge.** Maxie E. Higgason, Jr., a Chapter 7 Trustee, brought a strong-arm proceeding against Appellant Vanderbilt Mortgage and Finance, Inc. (Vanderbilt) to avoid a lien claimed by Vanderbilt against William W. Pierce, Jr.’s manufactured home. Vanderbilt failed to file its Certificate of Title in Pierce’s county of residence, but instead filed it in its own county of residence. We quite recently confronted virtually identical factual and legal issues in *Vanderbilt Mortg. & Fin., Inc. v. Westenhoefer*, No. 11-6216, (6th Cir. March \_\_\_, 2013). There we concluded that a Certificate of Title must be filed in the debtor’s county of residence in order to be properly perfected under Kentucky law. On the basis of that decision, we **AFFIRM**.