UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

JUDGE PETER J. WALSH

824 MARKET STREET
WILMINGTON, DE 19801
(302) 252-2925

October 17, 2003

Stephen W. Spence
Rosalind D. Williams
Phillips, Goldman &
Spence, P.A.
1200 N. Broom Street
Wilmington, DE 19806

Attorneys for Defendant,
Nanticoke Homes, Inc.

Richard H. Cross, Jr.
Law Office of Richard H.
    Cross, Jr., LLC
1201 N. Orange Street
Suite 610
P.O. Box 1380
Wilmington, DE 19899-1380

Attorneys for Plaintiffs,
Alan and Cindy Zimble

Re: Dr. Alan Zimble and Mrs.Cindy Zimble v. Nanticoke Homes, Inc.
     Adv. Proc. No. 02-3148

Dear Counsel:

        This ruling is with respect to the motion of Dr. Alan Zimble and Mrs. Cindy Zimble ("Plaintiffs") for reargument (Doc. # 21) of my letter ruling and order of July 28, 2003.

        Plaintiffs have not argued that there is any new evidence, an intervening change in controlling law, or a need to correct a clear error of law or prevent manifest injustice. Rather, Plaintiffs now assert that their deposit should be deemed to be held in trust by reason of specific Delaware or

Maryland statutory provisions. These statutory provisions are cited for the first time in the motion for reargument. Neither the complaint nor any prior pleadings by Plaintiffs contain any reference to these statutory provisions. If Plaintiffs wish to plead these statutory provisions as a basis for relief, they may seek to do so pursuant to Rule 7015, but not by motion for reargument. The motion is therefore denied.

Very truly yours,

Peter J. Walsh

PJW:ipm

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:	) Chapter 11
	)
NANTICOKE HOMES, INC.,	) Case No. 02-10651(PJW)
a Delaware corporation,	)
	)
Debtor.	)
_____	)
	)
DR. ALAN ZIMBLE and	)
MRS. CINDY ZIMBLE,	)
	)
	)
Plaintiffs,	)
	)
v.	) Adv. Proc. No. 02-3148
	)
NANTICOKE HOMES, INC.,	)
	) Related Doc. # 21
Defendant.	)

ORDER

For the reasons set forth in the Court's Letter ruling

of this date, Plaintiffs' motion for reargument (Doc. # 21), is

DENIED.

_____
Peter J. Walsh
United States Bankruptcy Judge

Dated: October 17, 2003