



Alison Mara McKnight, 10

Staff photo by Susan L. Gregg

# Parents file flute suit

## Magnolia couple charge creditor upset daughter

By **Marta McCave**

Staff reporter

Anytime students are called to the principal's office, they know to expect bad news.

But when 10-year-old Alison Mara McKnight was called to the office at Star Hill Elementary School near Camden one morning in February, the news was particularly bad. A creditor was waiting to repossess the flute she played in music class.

He said her parents were behind in the payments, which was news to the girl. Now, her parents are suing that man to get the flute back and to get compensation for what

they say was the upsetting effect the incident had on Alison.

Joseph E. and Barbara A. McKnight of Magnolia claim the Feb. 11 repossession was illegal because they have a bankruptcy petition pending.

Alison apparently was pale when she returned to class from the principal's office that day, and said her stomach "felt like it was going to fall open," Mrs. McKnight said. School officials decided the fifth-grader was sick and sent her home.

Mrs. McKnight said she learned what was really wrong when her daughter started crying and said, "Somebody took my flute."

Alison hadn't known about her parents' financial troubles. "We sat down and had to — as much as we could — explain it to her," Mrs. McKnight said.

Those being sued include Harry M. Voshell of B&B Educational Music Service in Camden, as well as school principal Clarence Dyer, district superintendent F. Niel Postlethwait and the Caesar Rodney School District.

"I couldn't understand someone allowing this to happen in the school. I'm just shocked," Mrs. McKnight said. "If they can do something like this, then what else can

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they do without a parent knowing it?"

Postlethwait and Dyer refused to discuss the incident when contacted Tuesday. School district lawyer Nicholas H. Rodriguez said he hadn't seen the lawsuit papers yet. But in a typical repossession case, Rodriguez said, "I would think the creditor could repossess it anywhere he finds it."

According to the McKnights' complaint in U.S. Bankruptcy Court in Wilmington, Postlethwait and Dyer authorized Voshell's Feb. 11 visit to Star Hill Elementary for the repossession. About 9:30 that morning, Dyer directed the fifth-grader to come to his office, where Voshell was waiting.

The principal was sitting there with his legs up on the desk, leaning

back," Mrs. McKnight said. Voshell told Alison, "Let me have the flute please, and you give your father this note," Mrs. McKnight said.

The note said: "We now have our flute No. 509207 in our possession. You will have to agree that we have been more than fair since you have had this flute since 1978. We will hold the flute for two weeks in case you decide you want to buy it. Your rental agreement allows you the option to buy the instrument if you make such a decision."

Voshell was out of his office on business Tuesday. His partner, Fred Brown, said Voshell had done nothing illegal in repossessing the musical instrument.

Brown said the McKnights did not own the flute. The McKnights "were renting an instrument from us and were very, very far behind in their payments on the instrument," Brown said. "They haven't paid any rental on it for — I suppose since last summer."

"That's a lie," Mrs. McKnight said when Brown's allegation was related to her. "I owe \$26 on it, that's all."

Mrs. McKnight also disputed Brown's characterization of the transaction as a rental agreement with an option to buy. "I didn't realize I was renting this," said Mrs. McKnight. When the family bought

any action," Doroshow said.

The McKnights' bankruptcy petition, listing \$95,884 in liabilities and assets of \$89,500, was filed Jan. 8. McKnight deals in wholesale lawn statues and related products, according to his wife.

Mrs. McKnight noted that a court summons by B&B Educational Music Service was served on her