

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**In re:**

**KEITH PHELPS and ELAINE PHELPS,**

**BANKRUPTCY**

**CASE NO.: 8:10-bk-12427-MGW**

**Debtors.**

**CHAPTER 7**

**ORDER GRANTING MOTION OF ANGELA W. ESPOSITO, AS CHAPTER 7  
TRUSTEE OF THE ESTATE OF KEITH PHELPS AND ELAINE PHELPS, FOR  
ORDER APPROVING COMPROMISE AND SETTLEMENT OF CONTROVERSY  
AS TO KEITH PHELPS AND ELAINE PHELPS REGARDING LAW OFFICES OF  
HAROLD E. SCHERR, P.A. (ADVERSARY PROCEEDING 8:12-ap-00391-MGW)**

THIS MATTER came on for consideration, without a hearing, on Angela W. Esposito (“Trustee”), as Chapter 7 Trustee of the bankruptcy estate of Keith Phelps and Elaine Phelps (collectively “Phelps”), Motion for Order Approving Compromise and Settlement of Controversy (Docket No. 35) (the “Motion”) pursuant to the negative notice provisions of Local Rule 2002-4. The Court, considering the Motion, the lack of any filed objection to the relief requested in the Motion by any party in interest, the defenses available to Adversary Proceeding Defendant, Law Offices of Harold E. Scherr, P.A., a Florida Professional Association, (“Defendant”), the uncertainty as to the probability of success at the adversary proceeding trial on the merits, the difficulties in collection, the complexities of the litigation, the expense, inconvenience and delay associated with continued litigation and only possible collection in the event of judgment, and being otherwise fully advised in the premises, finds it is in the best interests of Trustee and Defendant, and is fair and equitable, to settle this matter for the total sum of Six Thousand Eight Hundred Fifty and 00/100 Dollars (\$6,850.00) with Three Thousand and 00/100 Dollars (\$3,000.00) going to the estate and Three Thousand Eight Hundred Fifty and

00/100 Dollars (\$3,850.00) for attorneys' fees and costs, and finds that the Motion should be GRANTED. Accordingly it is:

ORDERED, ADJUDGED AND DECREED that:

1. Notice is hereby found to be adequate as to all parties;
2. No objection was filed to the relief requested in the Motion during the duly noticed Local Rule 2002-4 objection period; and
3. The Motion for Order Approving Compromise and Settlement of Controversy and related settlement, is fair and equitable, in the creditors' best interests, should be, and is hereby GRANTED;
4. The Motion, and the related Settlement Agreement, together with all its provisions, are each hereby approved in their entirety.

DONE and ORDERED at Tampa, Florida on \_\_\_\_\_.

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HONORABLE MICHAEL G. WILLIAMSON  
U.S. Bankruptcy Judge

Copies furnished to:

U.S. Trustee, 501 E. Polk St., Suite 1200, Tampa, FL 33602;  
Angela W. Esposito, 12157 W. Linebaugh Ave., PMB 401, Tampa, FL 33626;  
Keith Phelps and Elaine Phelps, 9722 Lou Ann Avenue, Riverview, FL 33578;  
Law Offices of Harold E. Scherr, P.A., a Florida Professional Association, c/o Harold E. Scherr, Esq., Law Offices of Harold E. Scherr, P.A., 1064 Greenwood Blvd., Suite 328, Lake Mary, FL 32746;  
Thomas A. Lash, Esq., Lash & Wilcox, PL, 4401 W. Kennedy Blvd., Suite 210, Tampa, FL 33609.