

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CONCLUSIONS OF LAW

In re:

Case No. 6:04-bk-07808-ABB
Chapter 7

238 Oakwood Drive Casselberry Family Trust,

Debtor.

ORDER

This matter came on the Motion by United States Trustee for Sanctions against Thomas G. Mack, Trustee (Doc.15). Sanctions are awarded in the amount of \$300.00.

FINDINGS OF FACT

The H Seafarer Family Trust ("Seafarer Trust") filed a Chapter 7 petition under

Title 11 United States Code on March 17, 2004 (Case No. 04-02928). Thomas G. Mack ("Mr. Mack") was the trustee. An Order Dismissing the Case with Prejudice was entered on May 11, 2004 (Doc.14).

The Order set forth Debtor was prohibited from filing a subsequent bankruptcy case based on the ineligibility of a family trust to obtain bankruptcy relief. Mr. Mack was served with the Order and was advised by the United States Trustee that a family trust is ineligible for bankruptcy relief.

The 238 Oakwood Drive Casselberry Family Trust ("Oakwood Trust") filed a Chapter 7 petition on July 8, 2004. Mr. Mack, trustee, signed the petition of Oakwood Trust. The United States Trustee filed a Motion to Dismiss (Doc.13) and moved for sanctions based on Mr. Mack knowing a family trust is ineligible for bankruptcy relief.

The monetary sanction of \$300 awarded against Mr. Mack is the amount of reasonable attorneys' fees for the time spent by the United States Trustee in connection with this case.

All papers presented to the court pursuant to Federal Rule of Bankruptcy Procedure 9011(b) are to be signed to certify that the filing is not being presented for an improper purpose.

Rule 9011(b) applies to unrepresented parties. The Rule sets forth all papers filed in court by an attorney or unrepresented party shall not be for an improper purpose. Rule 9011(c) provides sanctions may be imposed upon attorneys or parties who violate Rule 9011(b).

Mr. Mack filed the petition in the instant case knowing Oakwood Trust, a family trust, is not eligible for bankruptcy relief. The filing of the petition by Mr. Mack in this case was for an improper purpose, to delay or frustrate the creditors of the Oakwood Trust.

Mr. Mack has violated Rule 9011(b) by filing the petition of Oakwood Trust in the instant case. Sanctions are authorized by Federal Rule of Bankruptcy Procedure 9011(c) for a violation of Rule 9011(b). Therefore, it is

ORDERED, ADJUDGED AND DECREED the case is **DISMISSED**; it is further

ORDERED, ADJUDGED AND DECREED sanctions are awarded in the amount of \$300.00.

Dated this 11th day of January, 2005.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge