

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

CASE NO.: 04-bk-01991-JAF

In re:

EVELYN R. ROBERTSON,

Debtor.

EVELYN R. ROBERTSON,

Plaintiff,

v.

ADV. NO.: 04-277

DARLENE STRICKLAND,

Defendant.

**JUDGMENT**

This proceeding came before the Court upon a complaint filed by Plaintiff, Evelyn R. Robertson, alleging Defendant, Darlene Strickland, violated the chapter 7 discharge injunction, the Truth in Lending Act, the Florida Deceptive and Unfair Trade Practices Act, the Home Ownership and Equity Protection Act of 1994 and the Florida usury law. Upon Findings of Fact and Conclusions of Law separately entered, it is

**ADJUDGED:**

1. Judgment is entered in favor of Defendant, Darlene Strickland, and against Plaintiff, Evelyn R. Robertson, as to Count I.

2. Judgment is entered in favor of Defendant, Darlene Strickland, and against Plaintiff, Evelyn R. Robertson, as to Count II.

3. Judgment is entered in favor of Plaintiff, Evelyn R. Robertson, and against Defendant, Darlene Strickland, as to Count III. The Court awards Plaintiff \$200.00 in damages pursuant to 15 U.S.C. § 1640(a)(2)(A)(iii) and \$1,000.00 in attorney's fees pursuant to 15 U.S.C. § 1640(a)(3).

4. Judgment is entered in favor of Plaintiff, Evelyn R. Robertson, and against Defendant, Darlene Strickland, as to that portion of Count V which relates to HOEPA disclosure violations. The Court awards Plaintiff \$500.00 in damages pursuant to 15 U.S.C. § 1640(a)(4).

5. Judgment is entered in favor of Plaintiff, Evelyn R. Robertson, and against Defendant, Darlene Strickland, as to Count IV and that portion of Count V, which relates to rescission. Upon recordation of this judgment the deed recorded in Book: 11997; page: 1533 is null and void and has no force and effect. Defendant will retain her lien in the amount of \$17,098.37 against the home located at 278 North Wateredge Drive, Jacksonville, Florida 32211 and more particularly described as:

LOT 2, BLOCK2, EXCEPT THE  
PART DESCRIBED IN ORDER  
OF TAKING RECORDED IN  
OFFICIAL RECORDS VOLUME  
2436, PAGE 1130, RIVIERA  
TERRACE, ACCORDING TO  
THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 25,  
PAGES 79 AND 79A, OF THE  
CURRENT PUBLIC RECORDS  
OF DUVAL COUNTY,  
FLORIDA.

The lien created by this judgment is in full force and effect until the lien is paid in full and the balance will accrue interest at 3.90%. Such lien became effective October 3, 2003, the date Plaintiff delivered the warranty deed to Defendant.

6. Judgment is entered in favor of Defendant, Darlene Strickland, and against Plaintiff, Evelyn R. Robertson, as to Count VI.

**DATED** this 29 day of August, 2005 in Jacksonville, Florida.

/s/ Jerry A. Funk

**JERRY A. FUNK**

United States Bankruptcy Judge

**Copies furnished to:**

Bryan K. Mickler, Attorney for Plaintiff  
David B. Ferebee, Attorney for Defendant