

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re

Case No. 6:05-bk-17359 -ABB
Chapter 7

HECTOR L. ILARRAZA and
LOURDES E. ILARRAZA,

Debtors.

**ORDER DENYING MOTION TO
RECOVER EIC CHECK**

This matter came before the Court on the Motion to Recover EIC Check Submitted to Trustee filed by Hector L. Ilarraza and Lourdes E. Ilarraza (the "Debtors"). (Doc. No. 31). An evidentiary hearing on the Motion was held on May 25, 2006 at which counsel for the Chapter 7 Trustee and the Debtors appeared *pro se*. The Debtors were provided 21 days to seek additional information from their tax preparer in support of their Motion. A second motion was filed by the Debtors on June 14, 2006 (Doc. No. 35), containing no further legal basis in support of the Motion. After reviewing the pleadings and evidence, hearing argument, and being otherwise fully advised in the premises, the Court finds that the tax refund was a result of a child tax credit rather than earned income credit. The Debtors' Motions to Recover EIC Check are without legal basis and are due to be DENIED.

Accordingly, it is

**ORDERED, ADJUDGED and
DECREED** that the Debtors' Motions to Recover
EIC Check are **DENIED**.

DONE AND ORDERED in Orlando,
Florida, this 21st day of June, 2006.

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