

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No: 6:06-bk-02669-ABB  
Chapter 7

BRUCE R. WASSON and  
LAVINIA ANN WASSON,  
Debtors.

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**ORDER**

This matter came before the Court on the Debtors' Third Motion for Sanctions Against FIA Card Services as Successor to Bank Card Services/Wachovia Securities and MNBNA Now Known as Bank of America as of this Date (Doc. Nos. 38, 40) ("Motion") filed by Bruce R. Wasson and Lavinia Ann Wasson, the *pro se* Debtors herein (collectively, the "Debtors"), against FIA Card Services, N.A., successor to Wachovia Securities, MBNA and Bank of America, N.A. ("FIA"). An evidentiary hearing was held on February 11, 2008 at which the Debtors, counsel for FIA, and a representative of FIA appeared.

The Debtors sought an award of sanctions against FIA for its alleged willful violations of the automatic stay of 11 U.S.C. Section 362(a) and the discharge injunction of 11 U.S.C. Section 524(a) (Doc. Nos. 14, 26). The Debtors and FIA executed a Joint Stipulation to Resolve Controversy (Doc. No. 17) and a General Release (Doc. No. 54) (collectively, "Settlement Agreement") on January 31, 2007. The Debtors assert FIA breached the Settlement Agreement by failing to timely pay the settlement and seek sanctions for such breach.

FIA was required to pay the Debtors \$2,500,000, payable to "Stacy Eckert Trust Account," within fifteen days from the execution of the Settlement Agreement.<sup>1</sup> FIA timely issued check number 8785242 in the amount of \$2,500.00 payable to "Stacy Eckert Trust Account" on February 5, 2007. The check was stamped on the back "For

Deposit Only Stacy A. Eckert, P.A." and negotiated on March 12, 2007.<sup>2</sup>

FIA established it complied with the terms of the Settlement Agreement. The Debtors' Motion is due to be denied.

Accordingly, it is

**ORDERED, ADJUDGED and  
DECREED** the Debtors' Motion (Doc. Nos. 38, 40) is hereby **DENIED**.

Dated this 21<sup>st</sup> day of February, 2008.

/s/ARTHUR B. BRISKMAN

Arthur B. Briskman

United States Bankruptcy

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<sup>1</sup> Doc. No. 17 at ¶ 1; Doc. No. 54 at ¶ 1. Stacy Eckert, Esquire, is the Debtor's former counsel and executed the Joint Stipulation to Resolve Controversy.

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<sup>2</sup> Counsel Eckert's actions regarding receipt and negotiation of the check and disbursement of the funds were not brought before the Court.