


ORDERED.

Dated: April 12, 2016



Karen S. Jennemann
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re)	
)	
FREDERIC GEORGE SCHAUB,)	Case No. 6:15-bk-01284-KSJ
)	Chapter 7
Debtor.)	
_____)	
C&G REAL ESTATE GROUP, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Adversary No. 6:15-ap-00044-KSJ
)	
HANOVER HOMES OF WINTER PARK,)	
LLC, <u>et. al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, Hanover Homes of Winter Park, LLC and Frederic G. Schaub, seek summary judgment¹ on all counts of the Amended Complaint. Plaintiff, C&G Real Estate,

¹ Doc. No. 27.

Group, Inc., filed a response on February 12, 2016.² Defendants followed with a reply to the Plaintiff's response on February 22, 2016.³

Under Federal Rule of Civil Procedure 56, made applicable by Federal Rule of Bankruptcy Procedure 7056, a court may grant summary judgment where "there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law." The moving party must establish the right to summary judgment. Conclusory allegations by either party, without specific supporting facts, have no probative value. In determining entitlement to summary judgment, "facts must be viewed in the light most favorable to the nonmoving party only if there is a 'genuine' dispute as to those facts."

Defendants have not met their burden and the Court finds that significant genuine issues of material fact prevent summary judgment as a matter of law in favor of the Defendants. Accordingly, it is

ORDERED that Defendants' Motion for Summary Judgment (Doc. No. 37) is denied.

###

The Clerk is directed to serve a copy of this Order on all interested parties.

² Doc. No. 37.

³ Doc. No. 40.