


ORDERED.

Dated: June 01, 2017



Karen S. Jennemann  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re	)	
	)	
JUAN E. FIGUERA,	)	Case No. 6:15-bk-09187-KSJ
	)	Chapter 13
Debtor.	)	
	)	

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**ORDER GRANTING MOTION  
FOR RELIEF FROM AUTOMATIC STAY**

This case came before the Court for an evidentiary hearing on May 9, 2017, to consider Crestwynd Bay Homeowners’ Association, Inc.’s (“Crestwynd”) Amended Motion for Relief from Automatic Stay (Doc. No. 53) (the “Motion”) and Debtor’s Response to the Motion (Doc. No. 55). The Court finds that Crestwynd’s requested attorneys’ fees of \$29,676.50 are excessive and that 27 hours of attorney work, including the hearing held on May 9, 2017, at a blended rate of \$275.00 is reasonable.<sup>1</sup> Accordingly, it is

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<sup>1</sup> A determination of whether these fees are reasonable requires the Court to consider the number of hours that could be reasonably expended on the litigation and then multiply that hourly figure by a reasonable hourly rate. This is known as the “lodestar method.” *Grant v. George Schumann Tire & Battery Co.*, 908 F.2d 874, 879 (11th Cir. 1990). In conducting this analysis, the Court considers the twelve factors outlined in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). Those twelve factors are: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. The Court considered each applicable *Johnson* factor in reviewing the fees requested.

**ORDERED:**

1. The Motion (Doc. No. 53) is **GRANTED**.
2. The automatic stay under 11 U.S.C. § 362(a) is modified to allow Crestwynd to

seek against the Debtor, Juan E. Figuera, or as to the following real property:

LOT 121, CRESTWYND BAY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGES 61 THROUGH 62, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

PARCEL ID #: 10-25-27-2524-0001-1210

the following unpaid assessments, late fees, interest, and bankruptcy related attorneys' fees and costs incurred after this Chapter 13 bankruptcy case was filed on October 29, 2015:

Quarterly assessments:	\$3,178.24
Interest:	\$163.23
Late fees:	\$25.00
Costs:	\$265.00
Attorneys' Fees:	\$7,425.00
Total:	<b>\$11,056.77</b>

3. The automatic stay remains in full force and effect as to any amounts due by the Debtor to Crestwynd arising prior to October 29, 2015.

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Attorney Dipawali Shah is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.