

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

FILED

MAR 24 2006

CLERK, U.S. BANKRUPTCY  
ORLANDO DIVISION

In re:

ALFRED KELLY CARPENTER and  
JUANITA SUE CARPENTER.

Case No. 6:05-bk-03334-ABB  
Chapter 7

Debtors.

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MARIE E. HENKEL, Chapter 7 Trustee,

Plaintiff,

Adv. Pro. No. 6:05-ap-00313-ABB

vs.

ALFRED KELLY CARPENTER,  
CARPENTER, MOUNTJOY &  
BRESSLER, P.S.C., and MOUNTJOY &  
BRESSLER, LLP,

Defendants.  
\_\_\_\_\_

**JUDGMENT**

This matter came before the Court on the Amended Complaint for Turnover of Property of the Estate, Objection to Discharge of Debtor and for Injunction ("Complaint")<sup>1</sup> and the Verified Emergency Motion for Preliminary Injunction<sup>2</sup> filed by Marie E. Henkel, the Chapter 7 Trustee herein ("Trustee"), against Alfred Kelly Carpenter, a Debtor and Defendant herein ("Debtor"), Carpenter, Mountjoy & Bressler, P.S.C., and Mountjoy & Bressler, LLP. Also before the Court is the Debtor's Motion for Partial Summary Judgment<sup>3</sup> in which the Debtor seeks dismissal of the four counts

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<sup>1</sup> Doc. No. 12.

<sup>2</sup> Doc. No. 3.

<sup>3</sup> Doc. No. 15.

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(Counts II, III, IV, and V) of the Trustee's Complaint relating to 11 U.S.C. § 727(a) discharge objections. After reviewing the pleadings and evidence, receiving testimony, exhibits, and in conformity with and pursuant to the **Memorandum Opinion** entered contemporaneously herewith, it is

**ORDERED, ADJUDGED and DECREED** that the relief sought in the Debtor's Motion for Partial Summary Judgment is hereby **GRANTED** and Counts II, III, IV, and V of the Trustee's Complaint are hereby **DISMISSED** and **JUDGMENT** is hereby entered in favor of the Debtor Alfred Kelly Carpenter and against the Plaintiff Marie E. Henkel, Trustee; and it is further

**ORDERED, ADJUDGED and DECREED** that the relief sought in the Plaintiff's Verified Emergency Motion for Preliminary Injunction and Complaint in Counts I and VI is **GRANTED** and **JUDGMENT** is hereby entered for the Plaintiff Marie E. Henkel, Trustee, and against the Defendants Alfred Kelly Carpenter, Carpenter, Mountjoy & Bressler, P.S.C. and Mountjoy & Bressler, LLP; and it is further

**ORDERED, ADJUDGED and DECREED** that **JUDGMENT** is hereby entered for the Plaintiff Marie E. Henkel, Trustee, in the amount of \$67,500.00 and against the Debtor Alfred Kelly Carpenter, and he is directed to turnover said amount to the Trustee forthwith; and it is further

**ORDERED, ADJUDGED and DECREED** that Carpenter, Mountjoy & Bressler, P.S.C. and Mountjoy & Bressler, LLP are permanently enjoined from issuing any Deferred Compensation Agreement payments to the Debtor or anyone other than the Trustee and shall forthwith turnover to the Trustee the January, February, and March

2006 payments totaling \$22,500.00 and all future monthly payments that come due pursuant to the Deferred Compensation Agreement; and it is further

**ORDERED, ADJUDGED and DECREED** that Alfred Kelly Carpenter, Carpenter, Mountjoy & Bressler, P.S.C. and Mountjoy & Bressler, LLP are hereby permanently enjoined from transferring, encumbering, or interfering with the Deferred Compensation Agreement in any way; and it is further

**ORDERED, ADJUDGED and DECREED** that for all of the foregoing sums let execution issue and the Court reserves jurisdiction to enter such orders as may be necessary to give full effect to this Judgment.

Dated this 24<sup>th</sup> day of March, 2006.



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ARTHUR B. BRISKMAN  
United States Bankruptcy Judge