

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE:

GRENNETT A. SERVICE

CASE NO: 6:10-bk-07982-KSJ

_____/_____
Debtor(s).

FINAL JUDGMENT

THIS MATTER came on for hearing on February 7, 2012, upon the Debtor's Motion for Enforcement of the Order Granting Debtor's Verified Motion for Sanctions against ADT SECURITY SYSTEMS, INCORPORATED entered September 2, 2011 (Docket #101). Appearing at the hearing was debtor's counsel, creditor's counsel, and the Chapter 13 Trustee.

The Court finds as follows:

- A. The Debtor filed a Chapter 7 Bankruptcy on May 11, 2010. The case was converted to a Chapter 13 on June 19, 2010, and due to problems with the debt ceiling, Debtor was forced to reconvert to Chapter 7 on January 11, 2011.
- B. In the Debtor's schedule "F", the Creditor, ADT Security Services, Inc. (hereafter "ADT") was listed.
- C. The Debtor, almost seven (7) months after filing, received a collection letter dated December 1, 2010 from Tate & Kirlin Associates on behalf of ADT.
- D. The Creditor ADT continued to contact Mr. Service well after they should have received the Notice of the Chapter 7 Bankruptcy Case.

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E. The Creditor ADT had knowledge of the bankruptcy and their actions were willful and malicious in disregard of the United States Bankruptcy rules and the automatic stay, 11 U.S.C. §362 (k) in particular.

F. A Motion for Sanctions against ADT and Tate & Kirlin Associates for violating the automatic stay was filed on March 7, 2011. (Docket #81).

G. An initial hearing on the matter was held April 26, 2011. (Docket #82). Making appearances at that hearing was the Debtor and Debtor's counsel. No appearance was made by ADT Security Services, Inc. at that hearing.

H. The initial hearing of April 26, 2011 was continued to consolidate other Motions for Sanctions to be filed in two (2) other cases involving ADT Security Services, Inc.

I. The case was continued to July 14, 2011 at 2:00 p.m.

J. The hearing was moved by the court to July 20, 2011.

K. An evidentiary hearing on the matter was held on July 20, 2011. The Debtors were in attendance at the hearing. For a second hearing, no one was in attendance at the hearing on behalf of ADT Security Systems, Inc. (hereafter "ADT") or Tate & Kirlin Associates.

L. As there was a Clerk's office error in noticing the continuance, this Court requested submission of any Order be delayed ten (10) days to allow a Motion for Rehearing stating cause why they failed to attend the hearing.

M. The Court entered its Order Granting the Debtor's Motion for Sanctions on September 2, 2011. (Docket #101).

N. The Court's order gave ADT thirty (30) days to comply with the Court's order, or until October 2, 2011.

O. During the thirty (30) days, no communication or contact was made to the Debtor or Debtor's counsel by ADT nor was any response to the Court's order filed.

P. On November 20, 2011, the Debtors' filed this Motion for Enforcement of the Court's Order. (Docket #103).

Q. A response to the Motion was filed by ADT on February 6, 2012.

Accordingly, it is **ORDERED**:

1. The Debtor's motion for enforcement of the Order Granting Debtor's Verified Motion for Sanctions against ADT SECURITY SYSTEMS, INCORPORATED is **GRANTED**.

2. The creditor, ADT Security Services, Inc., is hereby ordered to pay by February 17, 2012 damages of \$750.00 to the Debtor(s).

3. The creditor, ADT Security Services, Inc. shall pay by February 17, 2012 \$750.00 to the Debtor's counsel for bringing the Motion for Sanctions.

4. Additional attorney's fees in this case have been ordered and provided for in the case of Luis and Amy Velazquez (Case Number: 6:11-bk-01344), heard on this same date.

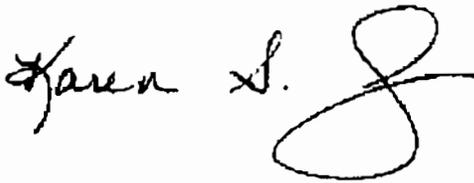
5. The damages in this case totaling \$1500.00 shall be tendered to Debtor's counsel via his mailing address:

Michael J. Duggar
Post Office Box 192
Christmas, FL 32709-0192

6. Should the creditor fail to tender the aforementioned damages by February 17, 2012, the court reserves jurisdiction to award further sanctions and damages, not the least of which is additional attorney's fees and costs for bringing any additional action.

DONE AND ORDERED on February 15, 2012.

I CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE
UNITED STATES BANKRUPTCY COURT
CLERK OF THE COURT
DEPUTY CLERK



**KAREN S. JENNEMANN
CHIEF UNITED STATES BANKRUPTCY JUDGE
MIDDLE DISTRICT OF FLORIDA**

Copies furnished to:

Debtor(s): P.O. Box 616338, Orlando, FL 32861-6338;
Debtor's Att'y.: Michael J. Duggar, P.O. Box 192, Christmas, FL 32709-0192;
Trustee: George E. Mills, Jr., P.O. Box 995, Gotha, FL 34734-0995;
United States Trustee's Office, 135 W. Central Blvd., Room 620, Orlando, FL 32801;
ADT Security Services, Inc., c/o Officer, Agent, Managing Agent, 14200 East Exposition
Avenue, Aurora, CO 80012-2540;
Tate & Kirlin Associates, c/o Officer, Agent, Managing Agent, 2810 Southampton Road,
Philadelphia, PA 19154-1207;
Creditor's counsel: Daniel F. Blanks, Esquire, 50 North Laura Street, Suite 3300,
Jacksonville, FL 32202.