

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

CLAYTON HACKNEY and
LINDA HACKNEY,

Case No. 6:03-bk-02488-ABB
Chapter 13

Debtors.
_____ /

JUDGMENT

This matter came before the Court on the Trustee's Motion for Judgment (Doc. No. 312) ("Motion for Judgment") filed by Laurie K. Weatherford, the Chapter 13 Trustee herein ("Trustee") and the Response thereto (Doc. No. 313) filed by John Vernon Head ("Head"), former counsel for the Debtors Clayton Hackney and Linda Hackney (collectively, the "Debtors").

An Order was entered on June 15, 2006 (Doc. No. 245) (the "June 15, 2006 Order") finding Head improperly received and concealed fees totaling \$12,000.00 in connection with his representation of the Debtors, which amount includes an unauthorized disbursement of \$10,000.00 from a real estate closing and \$2,000.00 paid to him by the Debtors. The June 15, 2006 Order directed Head to disgorge the fees and remit the sum of \$12,000.00 to the Trustee within fourteen days. Head did not disgorge the fees.

Head's Motion for Reconsideration (Doc. No. 247) seeking reconsideration and vacation of the June 15, 2006 Order was granted by Order entered on September 26, 2006 (Doc. No. 275) (the "September 26, 2006 Order"). The September 26, 2006 Order affirmed the findings and directives of the June 15, 2006 Order, with the exception it

awarded Head \$2,000.00 for fees incurred in his representation of the Debtors and allowed him to retain such fees. The Order, at its conclusion, directed:

ORDERED, ADJUDGED and DECREED that John V. Head is directed to disgorge the sum of \$10,000.00 to Laurie Weatherford, Chapter 13 Trustee, within fourteen (14) days of the entry of this Order. All other provisions of the Order entered on June 15, 2006 shall stand in full force in effect; and it is further

ORDERED, ADJUDGED and DECREED that should John V. Head fail to comply with the provisions of this Order, additional sanctions may be awarded.

September 26, 2006 Order at p. 9.

Head's Notice of Appeal (Doc. No. 289) appealing the September 26, 2006 Order was dismissed as untimely by Order entered on October 16, 2006 (Doc. No. 292). A hearing was held on Head's Response to Order Dismissing Appeal and Demand to Vacate Same (Doc. No. 300) and the motion was denied by Order entered on January 19, 2007 (Doc. No. 309). Head has not disgorged and paid to the Trustee the \$10,000.00.

The Trustee, through her Motion for Judgment, seeks the entry of a judgment against Head in the amount of \$10,000.00. Head concedes in his Response he has not disgorged the funds. The Trustee is entitled to the entry of a judgment in the amount of \$10,000.00 in favor of the Trustee and against Head pursuant to the September 26, 2006 Order.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Trustee's Motion for Judgment is hereby **GRANTED** and **JUDGMENT** is hereby entered for Laurie K. Weatherford, Trustee, and against John V. Head for the amount of \$10,000.00; and it is further

ORDERED, ADJUDGED and DECREED that post-judgment interest hereby accrues on the Judgment at the federal judgment rate of 5.05% per annum until paid, and for all of the foregoing sums let execution issue; and it is further

ORDERED, ADJUDGED and DECREED that the Court reserves jurisdiction to enter such orders as may be necessary to give full effect to this Judgment.

Dated this 5 day of March, 2007.



ARTHUR B. BRISKMAN
United States Bankruptcy Judge

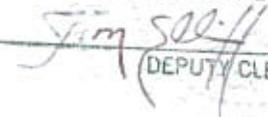
Copies sent VIA BNC Noticing Center:

Clayton Jay Hackney & Linda L. Hackney, 27451 Spring Valley Road,
Eustis, FL 32736

Laurie K. Weatherford, PO Box 3450, Winter Park, FL 32790

John Vernon Head, 13011 Bellerive Lane, Orlando, FL 33828

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