

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

Case No. 8:06-bk-00773-CPM  
Chapter 7

Richard Raguso,

Debtor.

J.B. Vol. 15  
# 2229

**FINAL JUDGMENT**

THIS CASE came on for hearing on December 13, 2010 upon the Motion for Final Judgment for Breach of Mediation Settlement Agreement by Michael Heiney (Doc. No. 108) filed by the trustee, V. John Brook, Jr. (the "Trustee"). For the reasons stated orally and recorded in open court that shall constitute the decision of the Court, it is

**ORDERED** that Final Judgment is hereby entered in favor of V. John Brook, Jr., Chapter 7 Trustee, 2520 Dr. Martin Luther King Jr. St. North, St. Petersburg, FL 33704, or his assigns, and against Michael Heiney, as Successor Trustee of the 1201 N. Highland Land Trust UTD 11/15/05, 1201 N. Highland Ave., Clearwater, FL 33755, and 1201 N. Highland Land Trust UTD 11/15/05, 1201 N. Highland Ave., Clearwater, FL 33755, in the amount of \$276,250, together with interest thereon at the rate of ~~6%~~ <sup>0.29% \*</sup> percent as provided by law, for all of which let execution issue.

*Cym*

*\* federal rate (U.S. Treasury 1-yr. securities, constant maturity, as of 12-13-10)*

**IT IS FURTHER ORDERED:**

*Cym*

The Defendants, Michael Heiney, as Successor Trustee of the 1201 N. Highland Land Trust UTD 11/15/05, and 1201 N. Highland Land Trust UTD 11/15/05, shall complete under oath Florida Rule of Civil Procedure Form 1.977 (b) (Fact Information Sheet), **Exhibit "A"** to this Judgment, including all required attachments, and serve it on the Trustee's attorney, within 45 days from the date of this Final Judgment and file notice

with the Clerk of Court of such service, unless the Final Judgment is satisfied or post-judgment discovery is stayed. Jurisdiction of this case is retained to enter further orders that are proper, including an order to compel the Defendant to complete Form 1.977(b) including all required attachments, and serve it on the Trustee's attorney and to assess reasonable attorneys' fees and costs in favor of Plaintiff incurred to execute on this judgment.

**DONE** and **ORDERED** in Chambers at Tampa, Florida on June 28, 2011.



Catherine Peek McEwen  
United States Bankruptcy Judge

Copies to:

Assistant U.S. Trustee, 501 E. Polk St., Suite 1200, Tampa, FL 33602

V. John Brook, Jr., Trustee, 2520 Dr. MLK Jr. St. North, St. Petersburg, FL 33704

Herbert R. Donica, Esq., 106 S. Tampania Ave., Suite 250, Tampa, FL 33609

Michael Heiney, Successor Trustee of the 1201 NHLT UTD 11/15/05, 1201 N. Highland Ave.,  
Clearwater, FL 33755

Richard Raguso, 2901 Fairfield Ct., Dunedin, FL 34698

Debra D. Newman, Esq., 15310 Amberly Dr., Suite 250, Tampa, FL 33647

(CAPTION)

FACT INFORMATION SHEET

Name of entity: \_\_\_\_\_

Name and title of person filling out this form: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Place of business: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

Gross/taxable income reported for federal income tax purposes last three years:

\$ \_\_\_\_\_ / \$ \_\_\_\_\_ \$ \_\_\_\_\_ / \$ \_\_\_\_\_ \$ \_\_\_\_\_ / \$ \_\_\_\_\_

Taxpayer identification number: \_\_\_\_\_

Is this entity an S corporation for federal income tax purposes? \_\_\_\_\_ Yes \_\_\_\_\_ No

Average number of employees per month \_\_\_\_\_

Name of each shareholder, member, or partner owning 5% or more of the entity's common stock, preferred stock, or other equity interest:  
\_\_\_\_\_  
\_\_\_\_\_

Names of officers, directors, members, or partners: \_\_\_\_\_  
\_\_\_\_\_

Checking account at: \_\_\_\_\_ Account # \_\_\_\_\_

Savings account at: \_\_\_\_\_ Account # \_\_\_\_\_

Does the entity own any vehicles? \_\_\_\_\_ Yes \_\_\_\_\_ No

For each vehicle please state:

Year/Make/Model: \_\_\_\_\_ Color: \_\_\_\_\_

Vehicle ID No: \_\_\_\_\_ Tag No: \_\_\_\_\_ Mileage: \_\_\_\_\_

Names on Title: \_\_\_\_\_ Present Value: \$ \_\_\_\_\_

Loan Owed to: \_\_\_\_\_

Balance on Loan: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

Does the entity own any real property? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please state the address(es): \_\_\_\_\_

Please check if the entity owns the following:

- \_\_\_\_\_ Boat
- \_\_\_\_\_ Camper
- \_\_\_\_\_ Stocks/bonds
- \_\_\_\_\_ Other real property
- \_\_\_\_\_ Other personal property

Please attach copies of the following:

1. Copies of state and federal income tax returns for the past 3 years.
2. All bank, savings and loan, and other account books and statements for accounts in institutions in which the entity had any legal or equitable interest for the past 3 years.
3. All canceled checks for the 12 months immediately preceding the service date of this Fact Information Sheet for accounts in which the entity held any legal or equitable interest.
4. All deeds, leases, mortgages, or other written instruments evidencing any interest in or ownership of real property at any time within the 12 months immediately preceding the date this lawsuit was filed.
5. Bills of sale or other written evidence of the gift, sale, purchase, or other transfer of any personal or real property to or from the entity within the 12 months immediately preceding the date this lawsuit was filed.
6. Motor vehicle or vessel documents, including titles and registrations relating to any motor vehicles or vessels owned by the entity alone or with others.
7. Financial statements as to the entity's assets, liabilities, and owner's equity prepared within the 12 months immediately preceding the service date of this Fact Information Sheet.
8. Minutes of all meetings of the entity's members, partners, shareholders, or board of directors held within 2 years of the service date of this Fact Information Sheet.
9. Resolutions of the entity's members, partners, shareholders, or board of directors passed within 2 years of the service date of this Fact Information Sheet.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT THE FOREGOING ANSWERS ARE TRUE AND COMPLETE.

\_\_\_\_\_  
 Judgment Debtor's Designated  
 Representative/Title

STATE OF FLORIDA  
COUNTY OF .....

The foregoing instrument was acknowledged before me on .....(date)....., by ....., who is personally known to me or has produced ..... as identification and who .....did/did not..... take an oath.

WITNESS my hand and official seal, this ..... day of ....., .....(year).....

\_\_\_\_\_  
 Notary Public  
 State of Florida

My Commission expires: .....

**THE JUDGMENT DEBTOR SHALL FILE WITH THE CLERK OF THE COURT A NOTICE OF COMPLIANCE AFTER THE ORIGINAL FACT INFORMATION SHEET, TOGETHER WITH ALL ATTACHMENTS, HAS BEEN DELIVERED TO THE JUDGMENT CREDITOR'S ATTORNEY, OR TO THE JUDGMENT CREDITOR IF THE JUDGMENT CREDITOR IS NOT REPRESENTED BY AN ATTORNEY.**

**Committee Notes**

**2000 Adoption.** This form is added to comply with amendments to rule 1.560.