

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

JB VOL 15
#2253

In Re:

Jose Betancourt,
Debtor.

Chapter 12
Case No.: 9:11-bk-02258-JPH

Jose Betancourt,
Plaintiff,
v.
Aaron Resa,
Defendant.

Adversary Proceeding No.: 9:11-AP-00228-JPH

**FINAL DEFAULT JUDGMENT FOR DAMAGES,
ACCOUNTING AND TURNOVER**

This case came before the Court on *Debtor's Motion for Judgment by Default* (Doc. No. 10) ("Motion"). The Court, after reviewing the Motion, the *Declaration of Jose Betancourt in Support of Motion for Judgment by Default* ("Declaration"), attached to the Motion as Exhibit "A" and the *Affidavit of Non-Military Service* (Doc. No. 11), has entered a separate order granting the Motion. Therefore, the Court has determined that a Final Default Judgment should be entered, accordingly, it is

ORDERED and ADJUDGED that:

1. Judgment is hereby entered in favor of the Plaintiff/Debtor, Jose Betancourt ("Betancourt") against the Defendant, Aaron Resa ("Resa") in the principal amount of \$407,838.89. Pre-judgment interest at the statutory rate provided by Florida law, which for the years 2010 and 2011 is six per cent (6%) per annum, is due since January 1, 2010, and is calculated at the per diem amount of \$67.04 through August 12, 2011, for 588 days for a total amount of pre-judgment due of \$39,419.52. Therefore judgment is hereby entered in favor of Betancourt against Resa for pre-judgment interest in the amount of \$39,419.52, for a total

judgment of principal and pre-judgment interest in the amount of \$447,258.41, which Betancourt shall have and recover from Resa and for which execution shall issue forthwith.

2. The Court reserves jurisdiction to enter an amended final default judgment in favor of Betancourt against Resa for a higher amount upon motion and appropriate proof by Betancourt. The Court further reserves jurisdiction to enter an award of costs and attorneys' fees in favor of Betancourt against Resa upon motion and appropriate proof by Betancourt.

3. Judgment is also entered in favor of Betancourt against Resa for an accounting of the Fall Winter Crop and Spring Crop, as defined in the Complaint and Declaration. Therefore Resa is ordered to provide an accounting to Betancourt of the following:

- a. The exact amount of proceeds ("Proceeds"), including money or any other thing of value, received by Resa in return for sales of crops from the Fall Winter Crop and Spring Crop; and
- b. An itemization of all expenses and costs of any kind paid from the Proceeds, and the amount of Proceeds still in possession of Resa.
- c. The location of all of the Proceeds, whether in cash or on deposit.

The Court reserves jurisdiction to enter such further orders as are necessary to insure compliance with this judgment for an accounting.

4. It is further Ordered and Adjudged that the proceeds of the Insurance Claim, as defined in the Declaration ("Insurance Proceeds") are declared to be property of the bankruptcy estate of Betancourt in Case No.: 9:11-bk-02258-JPH ("Estate"). Resa is hereby directed to turn over to Betancourt the Proceeds within ten (10) days from entry of this Final Default Judgment. It is further Ordered and Adjudged that the Estate is the lawful owner of the Proceeds and all legal, beneficial and equitable claims thereto. Any third party holding the Proceeds are ordered to cooperate with, facilitate and turn over to Betancourt the Proceeds, or so much thereof as are in

their possession. It is further Ordered and Adjudged that a permanent injunction is hereby entered in favor of Betancourt against Resa and those in privity with Resa prohibiting them from disposing, transferring or concealing the Proceeds. Betancourt is authorized to serve a copy of this Final Default Judgment on Resa or any other party in possession of the Proceeds who shall be bound by its terms. The Court reserves jurisdiction to enter appropriate orders requiring compliance with this judgment for turnover.

5. This Final Default Judgment shall bear post-judgment interest at the federal post-judgment rate of .16%.

DONE and ORDERED on August 31, 2011.



Jeffery P. Hopkins
United States Bankruptcy Judge

Copies furnished to:

Leon A. Williamson, Jr., Esq., 2304 East Fletcher Avenue, Tampa, Florida 33612
Office of the U. S. Trustee, 501 East Polk Street, Suite 1200, Tampa, Florida 33602
Chapter 12 Trustee, Jon M. Waage, P. O. Box 25001, Bradenton, FL, 34206-5001
Aaron Resa, 1115 Jefferson Avenue, Immokalee, Florida 34142
Debtor, 1655 County Road 830, Felda, FL 33930