

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

MAGIC DRUM & BUGLE CORPS,
INC.,
Debtor.

Case No. 6:07-BK-00497-ABB

MARIE E. HENKEL, TRUSTEE,
Plaintiff,

vs.

FLORIDA ARTS AND MUSIC
FOUNDATION, INC. and
MAGICAL CHARTERS, INC.,
Defendants.

Adv. Pro. No. 07-176

FINAL JUDGMENT BY DEFAULT

This Adversary Proceeding came on for consideration on the Motion for Default Judgment filed by Marie E. Henkel, Trustee and Plaintiff in the above-stated case [Doc. No. 11]. The record in this adversary proceeding reflects that an entry of default was entered against Florida Arts and Music Foundation, Inc. ("FAMF"), the Defendant, on March 23, 2009 for the Defendant's failure to file an Answer or otherwise respond to the Complaint as required by F.R.B.P. 7012.

The affidavit of Marie E. Henkel, Trustee, which is attached to the Motion as Exhibit "A," states that the Debtor made payments totaling \$11,500 to the Defendant without consideration within one year before the filing of the petition initiating the bankruptcy case. The Debtor was insolvent at the time of the transfers or became insolvent as a result of the transfers, the

transfers were made on account of an antecedent debt, and the transferee was an insider of the Debtor.

The Court finds that the transfers were avoidable preferential transfers within the meaning of 11 U.S.C. §547. Based on the foregoing and pursuant to F.R.B.P. 7055, the Motion for Final Judgment By Default is proper and Plaintiff is entitled to Judgment in her favor. Accordingly, it is

ORDERED:

1. Judgment is entered in favor of Plaintiff, Marie E. Henkel, Trustee, and against the Defendant, Florida Arts and Music Foundation, Inc.
2. The preferential transfers are avoided and the Trustee is entitled to recover from FAFM the sum of \$11,500.00 together with post-judgment interest at the rate of 0.20%.

DONE AND ORDERED on May 4, 2011.



ARTHUR B. BRISKMAN
United States Bankruptcy Judge

Copies served electronically or by mail to:

Marie E. Henkel, 3560 S. Magnolia Ave., Orlando, FL 32806;
Sean Concannon, P.O. Box 915875, Longwood, FL 32791;
Florida Arts and Music Foundation, Inc., Attn: Bruce Ziegler, President, 9113 Lazy Lane, Tampa, FL 33614;
Magical Charters, Inc., Attn: Bruce Ziegler, President, 9113 Lazy Lane, Tampa, FL 33614;
United States Trustee, 135 W. Central Blvd., Suite 620, Orlando, FL 32801.