

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case no. 6:04-bk-06225-6B7

CHERYL LYNN MALCOMSON,

Debtor.

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**ORDER ON DEBTOR'S MOTION FOR  
SANCTIONS AGAINST CITI CARDS.**

This matter came before the Court upon the Debtor's Motion for Sanctions against Citi Cards on October 4, 2004. Sanctions are awarded in the total amount of \$600.00.

**FINDINGS OF FACT**

Debtor filed a Chapter 7 petition under Title 11 United States Code and submitted schedules listing Citi Cards as a creditor. An automatic stay of collection activities pursuant to 11 U.S.C. §362 was imposed at that time. Citi Cards received notice of the bankruptcy filing and was aware of the Court's prohibition on collection activities.

Citi Cards disregarded the automatic stay and continued contacting the Debtor. Creditor's violation of the automatic stay was willful. Recovery of damages is authorized by 11 U.S.C. 362(h) for a willful violation of the stay. Actual damages of \$300.00 and punitive damages of \$300.00 are awarded to Debtor based on Citi Card's violation of the automatic stay. Therefore, it is

**ORDERED, ADJUDGED AND DECREED** that Debtor's Motion for Sanctions against Citi Cards is **GRANTED** as a result of its violations of the automatic stay imposed in this case; it is further

**ORDERED, ADJUDGED AND DECREED** that Cheryl Lynn Malcomson is awarded actual damages in the amount of \$300.00 and punitive damages in the amount of \$300.00; Debtor is awarded \$600.00 in total; it is further

**ORDERED, ADJUDGED AND DECREED** that Citi Cards is further ordered to cease any and all communication and contact with the Debtor, Cheryl Lynn Malcomson; any effort to collect this debt, discharged in bankruptcy, is prohibited; it is further

**ORDERED, ADJUDGED AND DECREED** that jurisdiction is retained for any further violations.

DATED: January 5, 2005.

*/s/ Arthur B. Briskman*

ARTHUR B. BRISKMAN

United States Bankruptcy Judge