

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

IN RE:)
DARRELL LAYNE CARTER and)
PAMELA STRICKLAND CARTER,)
Debtors.)

CASE NO.: 3:12-bk-05241-JAF
CHAPTER 13

**ORDER GRANTING DEBTOR'S MOTION FOR CONTEMPT AND SANCTIONS
AGAINST HOMEWARD RESIDENTIAL INC.**

This case came before the Court for a hearing on the Motion of Debtors, **DARRELL AND PAMELA CARTER**, for Contempt and for Sanctions against Homeward Residential Inc. Debtors seek compensatory and punitive damages for violations of multiple court orders. A hearing was held on May 13, 2013 at 10:00 a.m. at which Debtor and their attorney, Gregory Gilbert, appeared. Homeward Residential Inc. failed to appear. Upon evidence presented, the Court makes the following findings of fact:

1. The Court accepts the allegations contained in Debtor's Motion for Contempt and Sanctions as true.
2. Homeward Residential Inc. is in willful contempt of multiple court orders, more specifically, the Court's mediation order entered on August 22, 2012 and the Court's Compel Order entered on March 6, 2013.
3. Debtors are entitled to damages of attorney's fees and compensatory damages. Homeward Residential Inc.'s conduct also warrants an award of punitive damages.

IT IS ORDERED

1. The Motion for Contempt and Sanctions is GRANTED.
2. Debtor is awarded \$2,140.00 for attorney's fees; \$1,000.00 in sanctions; and \$15,000.00 in punitive damages; for a total award of \$18,140.00.
3. Homeward Residential Inc. shall pay Debtors the total amount awarded within thirty (30) days from the date of this order.
4. In the event Homeward Residential Inc. fails to pay the total amount awarded within thirty (30) days, counsel shall be permitted to file an affidavit as to Homeward Residential

Inc.'s noncompliance and this Court shall enter judgment against Homeward Residential Inc. in favor of Debtors in the amount of \$18,140.00 plus accrued interest until said judgment is paid in full, for which let execution issue.

5. This Court reserves jurisdiction to impose additional sanctions against Homeward Residential Inc., including but not limited to, an order satisfying the mortgage held by Homeward Residential Inc. on the Debtors' homestead located at 1261 Monterey Street, Jacksonville, FL 32207.

DATED this 16 day of May, 2013 at Jacksonville, Florida.

A handwritten signature in black ink, appearing to read "Jerry A. Funk", written over a horizontal line.

Jerry A. Funk
United States Bankruptcy Judge

Attorney, E. Warren Parker, Jr., is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.