

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CHAPTER 11
	)	
SAM'S ENTERPRISES, INC.,	)	CASE NO. 09-91920 - MHM
SAM'S SIGNS, INC.,	)	CASE NO. 09-91922 - MHM
	)	
Debtors.	)	
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	)	
DONALD F. WALTON,	)	
UNITED STATES TRUSTEE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ADVERSARY PROCEEDING</b>
	)	<b>NOS. 10-6063 and 10-6064</b>
LESHON STEWART,	)	
	)	
Defendant.	)	

**ORDER GRANTING SUMMARY JUDGMENT**

These consolidated adversary proceedings were filed by the U.S. Trustee against Defendant, who is a petition preparer within the meaning of 11 U.S.C. §110. The U.S. Trustee seeks disgorgement of all fees paid to Defendant, damages totaling \$4,000, and fines in each case for each violation of §110 totaling \$3,000. Defendant filed a general denial answer in each adversary proceeding. The U.S. Trustee filed a motion for summary judgment, to which Defendant failed to respond; accordingly, the motion is deemed unopposed. BLR 7007-1(c). Additionally, as a result of Defendant's failure to respond to the motion for summary judgment, Plaintiff's statement of material facts is deemed admitted. BLR 7056-1(a)(2).

Plaintiff shows that Defendant acted as petition preparer for these two debtors and was compensated \$400 in each case. Defendant violated §110(b)(2)(B) when she failed to file a notice signed, under penalty of perjury, by Debtors and herself, informing Debtors that Defendant is not an attorney and may not give legal advice. Defendant violated §110(c)(1) when she failed to list her full Social Security number on the petitions. Defendant violated §110(h)(2) when she failed to file declarations of the fees she charged in these two cases.

Under §110(h)(3)(B), Plaintiff seeks forfeiture of the fees paid to Defendant, in the total amount of \$800. Under §110(i)(1), Plaintiff seeks statutory damages in the amount of \$2,000 in each case, for a total of \$4,000. Under §110(j)(2), Plaintiff seeks imposition of fines in the amount of \$500 for each violation of §110 in each case, for a total of \$3,000. Accordingly, it is hereby

ORDERED that Plaintiff's motion for summary judgment is **granted**: **Defendant is directed** to disgorge to Debtors fees paid in the total amount of \$800; to pay to Debtors damages in the total amount of \$4,000; and to pay to the U.S. Trustee fines in the total amount of \$3,000.

**The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Plaintiff's attorney and Defendant's attorney.**

IT IS SO ORDERED, this the 28<sup>th</sup> day of March, 2011.

  
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MARGARET M. MURPHY  
UNITED STATES BANKRUPTCY JUDGE