



IT IS ORDERED as set forth below:

Date: March 25, 2009

James E. Massey

James E. Massey
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

CASE NO. 09-61395

Shaquannah N. Williams,

CHAPTER 11

Debtor.

JUDGE MASSEY

ORDER GRANTING MOTION OF U.S. TRUSTEE TO DISMISS THIS CASE

Debtor filed this Chapter 11 case on January 20, 2009. On February 25, 2009, the U.S. Trustee filed a motion to dismiss the case with prejudice, alleging in part that the Trustee's representative conducted an interview pursuant to 28 U.S.C. § 586(a)(7)(A), at which Debtor described herself as "secured creditor, authorized agent and trustee for the debtor" and refused to respond to questions posed to her at that interview.

Debtor filed a response to the motion to which she attached her personal tax return, a bogus bond (more about this later) and her view of the nature of the filer of the petition in this case. In her response, Debtor explained that the debtor is "Shaquannah N. Williams cestui que

trust,” which she describes as a corporation because her legal research in Black’s Law Dictionary shows a corporation to be an artificial person created under the authority of a state. She further asserts that because she submitted a UCC-1 financing statement to the U.S. Trustee identifying her to be the secured creditor and the debtor to be the cestui que trust, she somehow demonstrated that Shaquannah N. Williams cestui que trust is a corporation. Debtor’s Answer and Objection To United States Trustee's Motion To Dismiss With Prejudice, Document no. 16.

Ms. Williams’s understanding of the law, assuming she believes what she wrote, is completely wrong. A “cestui que trust” is an old-fashioned term, rarely used today, for a beneficiary of a trust, one who holds an equitable interest in property that a trust owns. *Cf., Reasor v. Peoples Financial Services, Inc.*, 276 Ga. 534, 535, 579 S.E.2d 742, 743 (Ga. 2003). The words “cestui que” are French words, loosely translated as “he for whose benefit.” A cestui que trust is this he (or she) for whose benefit a trust exists. If A cestui que trust who is a natural person is not an artificial person, such as a corporation. Thus, even if it is assumed that she filed the petition as a cestui que trust, Ms. Williams still filed it as an individual. The debtor in this case is Shaquannah Williams, whether or not she is a trust beneficiary (cestui que trust). To the extent that Ms. Williams thinks that by setting up a trust, if she ever did, she can insulate her property contributed to a trust from claims of her creditors, she is again wrong as wrong can be.

The Court conducted a hearing on the motion to dismiss held on March 24, 2009 at which counsel for Movant repeated the allegations made in the motion to dismiss. Debtor then addressed the Court, stating that she was making a “special appearance as a secured creditor on behalf of the debtor.” When the Court asked, “who are you?,” Ms. Williams responded that “I am

Shaquannah Williams, flesh and blood woman.” When the Court asked her if she was the debtor in this case, she responded, “I am not the debtor. The debtor is a corporation.”

The petition, which Ms. Williams signed, shows the debtor to be Shaquannah N. Williams. Under the heading “Type of Debtor ” on the first page of the petition, the box for Corporation is checked. (The on-line records of the Georgia Secretary of State show no corporation that includes the name Shaquannah Williams.) The name of the Debtor on the petition does not indicate that the Debtor is a corporate entity. Ms. Williams listed a corporate tax I.D. number on the petition. Ms. Williams omitted to state that she filed a prior case in this Court under case no. 04-90732.

Ms. Williams filed schedules of assets and liabilities. On Schedule B, Debtor listed as an asset to the right of interest in insurance policies, “Indemnity Bond” with a value of \$300,000,000. A copy of this document is a part of Document no. 16, her response to the motion. The document is bogus. It is not a legally binding document. It is beyond absurd to think that an individual can write the name of the U.S. Secretary of the Treasury on a document called a “Private and Discharging and Indemnity Bond,” sign it and suddenly create an obligation of the United States of America to pay someone’s debts up to \$300,000,000. That is total nonsense.

In response to other contingent and unliquidated claims, Debtor stated, “BPN- Bonded Promissory Note - For the off set and discharge of all debts 5 to 10,000,000” and valued that alleged asset at “Face Value.” On schedule D, Ms. Williams listed herself as a secured creditor with respect to her residence. On Schedule F, she listed creditors who have filed claims asserting claims against her, not a corporation. On Schedule I, she stated “N.A” in the blank for listing the name of her employer. At the bottom of Schedule I, Debtor in response to the question about an increase of decrease in income, Debtor stated, “The Debtor will continue to seek of a source of

income to sustain living expenses. The expenses of the debtor are currently being resolved by the Debtor's agent." On the Declaration Concerning Debtor's Schedules, Ms. Williams signed only the declaration under penalty of perjury on behalf of a corporation as the "AUTHORIZED REPRESENTATIVE."

The Court takes judicial notice that the Debtor has not filed a statement of financial affairs or pay advices, as required by section 521(a) of the Bankruptcy Code.

On the basis of the Debtor's responses to the Court's questions at the hearing held on March 24, 2009, the petition, and her schedules, including the declaration under penalty of perjury, the Court finds that the Debtor in this case is Shaquannah Williams, who is an individual and not a corporation. The Court finds that Ms. Williams is not her own creditor and therefore that her listing of herself as her creditor on Schedule D is misleading and false but that she has listed on Schedule F debts to creditors that have filed claims against her and not against a corporation. The Court further finds that Ms. Williams filed this case in bad faith and not for the purpose of reorganizing her financial affairs based on her insistence that she is not the Debtor in this case, while at the same time listing her personal assets and personal creditors in her schedules. The Court further finds that the information provided in Schedule B about a \$300,000,000 insurance asset and a "bonded promissory note" with a value between \$5,000,000 and \$10,000,000 is false.

Based on these findings and the statements made by Ms. Williams at the hearing, the Court holds that there is cause within the meaning of 11 U.S.C. § 1112 to dismiss this case and that Ms. Williams has failed to appear before the Court in proper prosecution of the case within the meaning of 11 U.S.C. § 109(g)(1).

For these reasons, the motion of the U.S. Trustee to dismiss this case with prejudice is GRANTED, and Shaquannah Williams is ineligible to be a debtor in a case under title 11 of the U.S. Code for a period of 180 days from the date of this Order. Nonetheless, Ms. Williams may seek to file a new case within the 180 days by mailing or delivering to the Clerk of this Court the following documents: a request that the Court consider lifting the ban on filing a new case, a fully completed petition showing Ms. Williams to be the debtor in her individual capacity and signed by her without any qualifications as to the capacity in which she signs, a completed statement of financial affairs and completed schedules to which she attaches her declarations under penalty of perjury signed by her in her individual capacity, and a plan if she wishes to file either a Chapter 13 or Chapter 11 case. A new filing fee would be required, which would be due, if the Court grants the request, within ten days from the filing of the petition. This does not exhaust the types of documents a new debtor must file, but it is a good start. The request to lift the ban on the filing should indicate that these documents should be directed to the attention of Judge Massey.

Ms. Williams should understand that because she received a discharge in her prior case, she is not eligible to receive a discharge in a Chapter 7 case filed prior to January 2, 2012. She cannot receive a discharge in Chapter 13 or Chapter 11 case unless she can get a plan confirmed. Ms. Williams should consider consulting an attorney familiar with bankruptcy law.

END OF ORDER