

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:	)	In Proceedings Under
	)	Chapter 7
ALLEN, JAMES MANFORD,	)	
ALLEN, SHARON LEE,	)	
	)	BK 04-32210
DEBTORS.	)	
	)	
LAURA K. GRANDY, TRUSTEE,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	
	)	
NATIONAL CITY BANK,	)	ADV 05-3036
	)	
DEFENDANT.	)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter came before the Court for hearing on May 4, 2005, on the plaintiff's motion seeking sanctions against the defendant in the form of recovery of her attorneys' fees and costs in bringing this action. The plaintiff appeared at the hearing through her counsel, Bradley W. Small of Mathis, Marifian, Richter & Grandy, Ltd., and the defendant appeared by Lawrence O. Taliana, attorney at law. Based on the record in this case and the arguments of counsel on May 4, 2005, the Court makes the following findings of fact and conclusions of law:

The Court finds that the defendant was duly served, at an address at which it was conducting business, with notice from the Court and two letters from the plaintiff advising it to provide proof of its perfected security interest to the plaintiff. The Court further finds that the defendant failed to respond to the notice and letters, requiring the plaintiff to commence the instant adversary proceeding to avoid the defendant's lien on

the debtors' property. In addition, the Court finds that the plaintiff has incurred attorney fees in the amount of \$1,565.50 and costs in the amount of \$169.38 in the prosecution of this matter, and that the defendant, after being afforded an opportunity to object to the fees and costs, has not raised any objection.

Based on the foregoing, and pursuant to the Court's authority under 11 U.S.C. § 105(a), the Court finds that sanctions in the amount of the plaintiff's attorney fees and costs are warranted to ensure the orderly, efficient and judicious administration of the bankruptcy case.<sup>1</sup>

SEE WRITTEN ORDER.

ENTERED: May 19, 2005

/s/ Kenneth J. Meyers-2  
UNITED STATES BANKRUPTCY JUDGE

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<sup>1</sup> Section 105(a) does not require the Court to find that the defendant acted in bad faith.

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**ORDER**

For the reasons set forth in the Court's Findings of Fact and Conclusions of Law entered this date, IT IS ORDERED that the motion for sanctions is GRANTED and the defendant, National City Bank is directed to pay the sum of \$1,734.88 to the law firm of Mathis, Marifian, Richter & Grandy, Ltd, counsel for the plaintiff.

ENTERED: May 19, 2005

/s/ Kenneth J. Meyers-2  
UNITED STATES BANKRUPTCY JUDGE