

Dated: May 21, 2021



Daniel P. Collins
Daniel P. Collins, Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:) **Chapter 13 Proceedings**
) **Case No.: 2:21-bk-01383-DPC**
)
8 **SHIRLEY STONE and**)
9 **JOHN WINSTON STONE**)
)
10 Debtors.)

JUDGMENT

In re the Matter of:)
)
12 **SHIRLEY STONE and**)
13 **JOHN WINSTON STONE,**)
)
14 Movant,)
)
15 and,)
16)
17 **REOMJB, LLC**)
)
18 Respondent.)
19)

Before this Court is Shirley Stone’s (“Mrs. Stone”) and John Winston Stone’s (“Mr. Stone”) (collectively, the “Debtors”) Motion for Damages from an Automatic Stay Violation¹ (“Motion”) against REOMJB, LLC (“Landlord”). On May 20, 2021 the Court held an evidentiary hearing on the Motion. The Court placed its findings on the record holding that the Landlord willfully violated the automatic stay and that the Debtors are to be paid damages by the Landlord, all pursuant to 11 U.S.C. § 362(k). The Court’s oral ruling on the record is incorporated in this Judgment. Wherefor, based on the foregoing:

¹ DE 23 and DE 36. “DE” references a docket entry in this administrative proceeding 2:21-bk-01383-DPC.

1 **IT IS HEREBY ORDERED** that the Court awards emotional distress damages
2 against the Landlord and to Mrs. Stone in the amount of \$500 and to Mr. Stone in the
3 amount of \$1,000.

4 **IT IS FURTHER ORDERED** that the Landlord pay the Debtors \$83.30² for costs
5 incurred in connection with this Motion.

6 **IT IS FURTHER ORDERED** that the Landlord remit payment in the amount of
7 \$1,583.30 to the Debtors within five (5) business days from the date of entry of this
8 Judgment. This amount may not be offset against any amount the Landlord claims is owed
9 to it by the Debtors.

10 **IT IS FURTHER ORDERED** that interest will accrue on the amounts awarded
11 to Debtors at the federal rate specified in 28 U.S.C. § 1961, from the date of entry of this
12 Judgment until paid in full.

13 **IT IS FURTHER ORDERED** that, effective immediately, the Landlord and the
14 Landlord's agents are permanently enjoined from violating the automatic stay in these
15 bankruptcy proceedings.

16
17 **DATED AND SIGNED ABOVE.**

18
19
20 COPY of the foregoing mailed by the BNC to:
21 Interested parties.

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28 _____
29 ² The Debtors requested and the Court hereby awards \$5 for paper used in printing pleadings related to this Motion,
\$45 for an ink cartridge used in printing pleadings related to this Motion, and \$33.30 in gas used in driving to the
Court to file pleadings related to this Motion.