

In Re Hattie I. Siegel
Case No. 05-30880-BKC-SHF

Order entered on April 7, 2006

Movant asserts that the debtor and her counsel's actions, both in state and federal court were done solely to delay the state court foreclosure sale at the expense of the debtor's creditors. Movant further asserts that this a two party dispute and that the debtor is 83 years of age, retired, with congestive hear failure such that she had an inability to effectuate a plan of reorganization.

Even though the debtor was ultimately unable to effectuate a plan of reorganization, the debtor's desire to liquidate her remaining real properties in both Florida and South Carolina for the benefit of her creditors take her bankruptcy out of the realm of a bad faith filing. The Court found that the bankruptcy was filed with an honest intention and real need and ability to reorganize. Accordingly, the Court finds that the debtor's March 3, 2005 chapter 11 filing was an **not** an act of bad faith warranting sanctions under Bankruptcy Rule 9011(c)