



ORDERED in the Southern District of Florida on October 08, 2010.

Robert A. Mark, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-38024-BKC-RAM
CHAPTER 13

IN RE:
LOUIS FULOP
and VIVIAN FULOP,
Debtors.

**ORDER DETERMINING 100 HIDDEN BAY CONDOMINIUM ASSOCIATION INC., IS
IN VIOLATION OF THE AUTOMATIC STAY**

THIS CAUSE having come on to be heard at 10:00 a.m., on September 30, 2010,
on the Debtors' Emergency Motion for Contempt Against 100 Hidden Bay Condominium
Association, Inc., having heard argument of counsel, and based upon the record, it is,

ORDERED:

1. Debtors make the argument that the denial of privileges to the Debtors,
including allegations of failure to allow the Debtors failure to provide internet service, failure
to provide access to common areas and other allegations, are in violation of the automatic
stay.

2. Counsel for the association, 100 Hidden Bay Condominium Association, Inc., argues that the new Florida Statute §718.303(3), effective July 1, 2010, allows the Association to suspend privileges and other available options pursuant to the Statute.

3. Counsel for the association, 100 Hidden Bay Condominium Association, Inc., stated that in the event these past due association assessments were paid, then the suspension of privileges would be lifted. This is in effect an act of coercion to compel the Debtors to pay the past due association assessments.

4. This Court finds that the act of the suspension of privileges as described above, post-petition, is a violation of the automatic stay. This court does not find that it is a willful violation, which would give rise to the award of attorney fees and/or punitive damages. This is based upon the fact that the new Florida Statute was effective on July 1, 2010. There still may be some confusion with reference to this Statute. Accordingly, this Court declines to award attorney fees and sanctions.

5. The association, 100 Hidden Bay Condominium Association, Inc., shall immediately reinstate all privileges and other accommodations afforded to all other owners that are in good standing.

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Submitted by:

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100 Hidden Bay Condominium Association, Inc, Attn: Arnold Resnick, President
100 Hidden Bay Condominium Association, Inc, Attn: Tania Deidan, Property Manager
Cheryl J. Levin, Esquire

Attorney, Michael J. Brooks, is directed to mail a conformed copy of this Order to all interested parties immediately upon receipt thereof.