

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	
Garden Oaks Maintenance Organization, Inc., Debtor	§	Case No. 18-60018-H2-11
	§	
	§	
	§	

OBJECTION TO CLAIM #449 FILED BY CYNTHIA BONNER

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED WITHOUT A HEARING.

A HEARING HAS BEEN SET FOR THIS OBJECTION FOR JANUARY 25, 2021 AT 2:00PM, COURTROOM 400, 4TH FLOOR, 515 RUSK, HOUSTON, TX 77002.

1. The Debtor filed a voluntary chapter 11 petition on April 11, 2018.
2. The Debtor was unable to confirm a plan, and the case was converted to a chapter 7 on June 6, 2019.
3. Randy Williams was appointed Chapter 7 Trustee.
4. On July 16, 2019, the Trustee issued his *Notice of Assets*, with a claims bar date of October 21, 2019.

5. On August 6, 2020, Cynthia Bonner filed claim #449, asserting an unsecured claim in the amount of \$4,470.00.
6. Claim #449 is a duplicate of Claim #7, which was also filed by Ms. Bonner, for the same unsecured amount.
7. The Trustee asks the Court to disallow the duplicate claim, Claim #449.

WHEREFORE, the Trustee requests the Court to disallow Claim #449 as it is a duplicate of claim #7, and to grant him such other and further relief, at law or in equity, to which he may be justly entitled.

Dated: December 23, 2020.

Respectfully submitted,

By: /s/ Johnie Patterson
Johnie Patterson
State ID# 15601700
COUNSEL FOR THE CHAPTER 7
TRUSTEE

OF COUNSEL:
WALKER & PATTERSON, P.C.
P.O. Box 61301
Houston, TX 77208
713.956.5577
713.956.5570 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Objection* was served upon Cynthia Bonner, 807 W. 42nd St., Houston, TX 77018, by first class, U.S. mail, postage prepaid on December 23, 2020.

By: /s/ Johnie Patterson
Johnie Patterson

Fill in this information to identify the case.

Debtor 1 Garden Oaks Maintenance Organization (GOMO)Debtor 2
(Spouse, if filing)United States Bankruptcy Court for the Southern District of TEXASCase number 18-60018United States Courts
Southern District of Texas
FILED

AUG 06 2020

David J. Bradley, Clerk of Court

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Cynthia Bonner

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else?

☒ No☐ Yes. From whom?

3. Where should notices and payments to the creditor be sent?

Federal Rule of
Bankruptcy Procedure
(FRBP) 2002(g)

Where should notices to the creditor be sent?

Cynthia Bonner

Name

807 West 42nd. Street

Number

Street

Houston

City

TX

State

77018

ZIP Code

Contact phone

540-808-7409

Contact email

cpbonner49@gmail.com

Where should payments to the creditor be sent? (if different)

Name

Number

Street

City

State

ZIP Code

Contact phone

Contact email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☐ No☒ Yes. Claim number on court claims registry (if known) 7-1Filed on 05/21/2018
MM/DD/YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☒ No☐ Yes. Who made the earlier filing?

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?

☒ No

☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim?

\$ 4,470.00

Does this amount include interest or other charges?

☒ No

☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim?

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.

Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as health care information.

GOMO was improperly formed and illegally collected a transfer fee from me on 2/15/2018

9. Is all or part of the claim secured?

☒ No

☐ Yes. The claim is secured by a lien on property.

Nature of property:

☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

☐ Motor vehicle

☐ Other. Describe: _____

Basis for perfection:

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____

Amount of the claim that is secured: \$ _____

Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %

☐ Fixed

☐ Variable

10. Is this claim based on a lease?

☒ No

☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff?

☒ No

☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies. \$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 08/05/2020
MM / DD / YYYY

Cynthia P. Bonner
Signature

Print the name of the person who is completing and signing this claim:

Name

Cynthia
First name

Palcia
Middle name

Bonner
Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

807 West 42nd Street
Number Street

Houston
City

TX
State

77018
ZIP Code

Contact phone

540-808-7419

Email

cpbonner49@gmail.com

American Land Title Association

ALTA Settlement Statement - Combined

Adopted 05-01-2015

File No./Escrow No.: 18000258

Old Republic National Title Insurance

Print Date & Time: 02/12/18 1:33 PM

Company

Officer/Escrow Officer: Terry Baca

ALTA Universal ID:

Settlement Location: Old Republic

777 Post Oak Blvd

National Title Insurance Company

Houston, TX 77056

777 Post Oak Blvd. #100

Houston, TX 77056

Property Address:

Lot 43, Block 35, Section 3, GARDEN OAKS, a subdivision in Harris County, TX.
807 West 42nd St.
Houston, TX 77018

Buyer:

Cynthia Bonner

Seller:

Annmarie Richards and Kathleen Talley

Lender:

Wells Fargo Bank, N.A

Settlement Date:

02/15/2018

Disbursement Date:

02/15/2018

Additional dates per state requirements:

Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
		Financial		
	\$596,000.00	Sale Price of Property	\$596,000.00	
		Deposit		\$6,000.00
		Loan Amount		\$300,000.00
		Prorations/Adjustments		
\$1,386.48		All Property Taxes from 01/01/2018 thru 02/15/2018		\$1,386.48
\$3,623.00		Owners Title Policy Credit		\$3,623.00
\$250.00		Option Fee		\$250.00
\$4.50		GARC Fee Credit		\$4.50
		Loan Charges to Wells Fargo Bank, N.A		
		0.25% of Loan Amount (Points)	\$750.00	
		Processing Fee	\$990.00	
		Tax Service	\$105.00	
		Prepaid Interest (\$31.85 per day from 02/15/2018 to 03/01/2018)	\$445.90	
		Appraisal \$563.00 Borrower-Paid Before Closing		
		Credit Report \$13.61 Borrower-Paid Before Closing		
		Loan Doc Prep - TX ATTY to BROWN FOWLER ALSUP	\$110.00	
		Impounds		
		Homeowner's Insurance \$175.92 per month for 3 mo.	\$527.76	

Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
		County Property Taxes \$916.79 per month for 5 mo.	\$4,583.95	
		Aggregate Adjustment	-\$1,759.25	
		Title Charges & Escrow / Settlement Charges		
\$3.00		Title - E-Recording Fee to Old Republic National Title Insurance Company	\$6.00	
\$425.00		Title - Escrow Fee to Old Republic National Title Insurance Company	\$425.00	
		Title - Guaranty Assessment Recoupment Charge to Texas Title Insurance	\$4.50	
		Title - Lender's Title Insurance \$1983.00 to Old Republic National Title Insurance Company	\$100.00	
		Title - Not yet due/payable (MTP & BIN to Old Republic National Title Insurance Company	\$5.00	
		Title - T-19.1 REM OTP Amended Res to Old Republic National Title Insurance Company	\$181.15	
		Title - T17 PUD Endorsement to Old Republic National Title Insurance Company	\$25.00	
		Title - T19 Res. Endorsement to Old Republic National Title Insurance Company	\$99.15	
		Title - T1R Survey Amendment to Old Republic National Title Insurance Company	\$181.15	
		Title - T30 Tax deletion MTP/ BNDR ON to Old Republic National Title Insurance Company	\$20.00	
		Title - T36 Environmental Prot Lien to Old Republic National Title Insurance Company	\$25.00	
\$75.78		Title - Tax Certificate to Maintenance Information Services, Inc.		
		Title - Guaranty Assessment Recoupment Charge to Texas Title Insurance	\$4.50	
		Title - Owner's Title Insurance (optional) \$1740.00 to Old Republic National Title Insurance Company	\$3,623.00	
		Commission		
\$17,880.00		Real Estate Commission - Buyer's Realtor to Keller Williams Realty Metropolitan		
\$11,920.00		Real Estate Commission - Seller's Realtor to Keller Williams Realty Metropolitan		
		Government Recording and Transfer Charges		
		Recording Fee (Deed) to Old Republic National Title Insurance Company	\$20.00	
		Recording Fee (Mortgage) to Old Republic National Title Insurance Company	\$72.00	
\$20.00		Recording Fee (Notice) to Old Republic National Title Insurance Company		
		Payoff(s)		
		Lender: Payoff of First Mortgage Loan to Wells Fargo Home Mortgage	\$246,451.68	
\$246,451.68		Total (\$246,451.68)		

Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
		Miscellaneous		
		Homeowner's Insurance Premium to Horace Mann Lloyds	\$2,111.00	
\$95.00		Doc Prep - Warranty Deed to BROWN FOWLER ALSUP		
		HOA Transfer Fee to Garden Oaks Maintenance Organization	\$4,470.00	
\$500.00		Home Warranty (\$500.00) to Landmark Home Warranty		
Seller			Borrower/Buyer	
Debit	Credit		Debit	Credit
\$282,634.44	\$596,000.00	Subtotals	\$613,125.81	\$311,263.98
		Due From Borrower		\$301,861.83
\$313,365.56		Due To Seller		
\$596,000.00	\$596,000.00	Totals	\$613,125.81	\$613,125.81

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Old Republic National Title Insurance Company to cause the funds to be disbursed in accordance with this statement.

Cynthia P. Bonner
Cynthia Bonner

2/14/2018
Date

Annmarie Richards
Annmarie Richards

2/15/2018
Date

Kathleen Talley
Kathleen Talley

2/15/2018
Date

Terry Baca
Terry Baca

2/15/2018
Date