

United States Courts
Southern District of Texas
FILED

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JAN 29 2024

Justin Allen Hicks, Debtor
Plaintiff,

§
§
§
§
§
§
§
§
§
§

Case No: 23-80179
(Chapter 7)

Nathan Ochsner, Clerk of Court

vs.

RealManage/South Shore Harbor HOA
Defendant,

Daughtry & Farine P.C.
Defendant,

NOTICE OF COMPLAINT FOR VIOLATION OF AUTOMATIC STAY, AND REQUEST FOR ADVERSARY PROCEEDING TO TAKE ACTION FOR CONTEMPT

Background: On September 5th, 2023, Justin Allen Hicks, pro se litigant (debtor) filed for chapter 7 bankruptcy with the Southern District of Texas, Galveston. RealManage was included on the appropriate, required creditors matrix. The stay order was granted and sent via legal service to all creditors from the good court notifying the requirements and protections provided under U.S.C. 11 § 362.

Statement of Fact: In October 2023, South Shore Harbor HOA board of directors voted to send the past due account to a collection agency/law firm (*while under stay*). On November 20, 2023, Daughtry & Farine P.C. collection agency/law firm sent a demand letter with illicit attorney fees added, threatening debtor with potential foreclosure, assessment lien, or lawsuit unless swift payment was made (*again while under stay*). Daughtry & Farine, P.C. was contacted several times via phone and email by the debtor in an attempt to resolve the situation, however they continued to threaten and add more undue fees for every interaction made with them. They refused to explain the additional fees without debtor agreeing to even more fees, making it impossible to resolve. Daughtry & Farine, P.C. was informed that the account was under Chapter 7 bankruptcy and automatic stay, disregarding the court's order they continued collection attempts.

After sending debtors account to an aggressive collection agency, RealManage (HOA) banned access to debtors online and HOA account. This action prevented debtor from making post-petition HOA assessments rendering debtor behind in current payments. RealManage has refused payments in any form while the account is with a collection firm (*defying the court order*).

I pray the court finds the willful disregard of RealManage and Daughtry & Farine, P.C. of the authority of the court and the protections afforded to debtor under Chapter 7 bankruptcy, automatic stay as contempt. The direct, unlawful actions of RealManage and Daughtry & Farine, P.C. has caused debtor undue hardship.

(I)Contempt: I pray the Honorable judge grant, and notify the following parties that they are in civil contempt of court for violating the 'Stay Order' as provided by sec. 362 bankruptcy code.

RealManage – knowingly transferred debtors past due account to a collection agency while under 'Stay Order'

Daughtry & Farine P.C. - knowingly threatened and/or harassed debtor in an attempt to collect a debt after being notified multiple times of the current bankruptcy 'Stay Order'

(II)Impose Sanctions: Debtor kindly prays the honorable judge consider these compensatory and non-compensatory sanctions:

Relief by remedy (non-compensatory) – (I) RealManage (HOA) reverse debtors account from collections, granting access to debtors account for post-petition assessment payments. (II) RealManage remove all erroneous and illegal collection and attorney fees from debtors invoice. (III) Daughtry & Farine P.C. transfer the illegal collection invoice and return debtors HOA account to RealManage.

Compensatory damages – Debtor seeks monetary damages in the sum of \$2,000.00 from RealManage for undue hardship, stress and mental anguish from unlawful collection attempts and the threat of foreclosure.

Exhibits attached:

- A. Official form 106 e/f
- B. Creditors Matrix
- C. Collection letter from Daughtry & Farine (on behalf of RealManage)
- D. Email correspondence with collections, including escalated amounts

RE:

RealManage/South Shore Harbor HOA
PO Box 803555
Dallas, TX 75380-3555

Daughtry & Farine P.C.
17044 El Camino Real
Houston, TX 77058

Justin A. Hicks / 832 427-8489
2106 Cherry Hills Drive
Debtor
pro se

1/29/2024