

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 12-cv-00229-WYD

IN RE: GEORGE LESTER AVERY,

Debtor,

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IN RE: LARREL KENNEDY and  
KORI LEIGH KENNEDY,

Debtors,

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IN RE: WILLIAM T. CARR and  
CATHERINE A. CARR,

Debtors.

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**ORDER**

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This matter came before the Court for a status conference on June 11, 2012. By way of background, on March 23, 2012, I granted the United States Trustee's Motion for the Withdrawal of the Reference of this matter and transferred consideration of further sanctions against Shariann Summerrain from the United States Bankruptcy Court to the United States District Court. The Bankruptcy Court issued a Report and Recommendation, which both detailed the lengthy case history and asserted the inadequacy of civil remedies available to that court.

The United States Trustee's motion sought the withdrawal of the reference for this Court's consideration of additional sanctions, including criminal contempt,

against Shariann Summerrain for her continued violations of 11 U.S.C. § 110 and the Bankruptcy Court's 2007 injunction against Summerrain which, *inter alia*, prohibits her from acting as a bankruptcy petition preparer.<sup>1</sup> The Bankruptcy Court's Report recommended the withdrawal of the reference for this purpose.

Following my withdrawal of the reference of this matter, on April 10, 2012, I held an initial status conference.<sup>2</sup> Prior to entering any further orders in this case, on April 19, 2012, I received a letter from Ms. Summerrain refuting many of the Bankruptcy Court's allegations contained in the Report and Recommendation. Accordingly, I set the June 11, 2012 status conference and ordered both a representative from the United States Trustee's Office and Ms. Summerrain to personally appear. All parties appeared along with Ms. Summerrain's husband, Todd Brewer.

For reasons stated on the record at the conference and set forth below, I find that Ms. Summerrain owes the United States Bankruptcy Court \$7750.00 in fines and penalties based on her violations of court orders from 2001-2011. I also find that at the June 11, 2012 conference, Ms. Summerrain stated on the record, that in order to repay her fines/penalties, she would remit \$100.00 on the tenth day of every month, commencing July 10, 2012, to:

The Clerk of the United States Bankruptcy Court  
721 19th Street  
Denver, CO 80202

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<sup>1</sup> The course of conduct addressed by the Bankruptcy Court's Report and Recommendation spans a ten year period from 2001 to 2011.

<sup>2</sup> A representative from the United States Trustee's Office appeared at the April 10, 2012 conference, but Ms. Summerrain did not appear. However, it is unclear whether Ms. Summerrain received notice of the April 10, 2012 status conference.

Accordingly, it is

ORDERED that Ms. Summerrain shall make monthly payments in the amount of \$100.00 by the tenth day of each month, commencing July 10, 2012, to

The Clerk of the United States Bankruptcy Court  
721 19th Street  
Denver, CO 80202

It is FURTHER ORDERED that Ms. Summerrain must refer to *In re Kennedy*, 06-16033-EEB, on each monthly payment. Should Ms. Summerrain be unable to make a monthly payment, she is ordered to file a pleading with me prior to the monthly deadline. As I stated at the conference, after a sufficient period of time elapses, should Ms. Summerrain make regular, timely payments to the Bankruptcy Court, I will entertain a motion for relief or modification from future payments. It is

FURTHER ORDERED that Ms. Summerrain is prohibited from preparing any bankruptcy petitions consistent with the Bankruptcy Court's prior orders. It is

FURTHER ORDERED that should Ms. Summerrain fail to comply with my orders set forth on the record at the June 11, 2012 conference and in this written Order, I will refer this matter to the United States Attorney for possible criminal contempt proceedings without further notice to Ms. Summerrain. It is

FURTHER ORDERED that the Clerk of the Court shall serve this Order on Ms. Summerrain along with all future filings at the following address:

Ms. Shariann Summerrain  
3107 West Colorado Avenue  
No. 245  
Colorado Springs, CO 80904

It is FURTHER ORDERED that the Clerk of the Court shall amend the case caption to reflect Ms. Summerrain's current mailing address as set forth above.

Dated: June 11, 2012

BY THE COURT:

s/ Wiley Y. Daniel

Wiley Y. Daniel

Chief United States District Judge