

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

In re:

JOEY SIMMONS ESSIAMBRE,

Debtor,

Bankruptcy Case No. DM 18-90176

Adversary Proceeding No. 20-99003

DARRELL R. DETTMANN, Chapter 7 Trustee,

Plaintiff,

v.

JOEY SIMMONS ESSIAMBRE,
ANGELA L. LOWES,

Defendants.

Case No. 2:21-cv-178

Hon. Hala Y. Jarbou

ORDER

The Court has reviewed the Report and Recommendation (R&R, ECF No. 1-1) filed by the United States Bankruptcy Judge in an adversary proceeding regarding Plaintiff's Motion for Default Judgment against Defendants Joey Simmons Essiambre and Angela L. Lowes. This action concerns interests in a parcel of real property located in the Township of Dafter, Chippewa County, Michigan (the "Property"). Plaintiff's complaint describes the Property as the following:

Part of the Southwest one-quarter (SW 1/4) of the Southwest one-quarter (SW 1/4) beginning at a point 52 feet East of Minne[apolis] St. Paul RR & 33 feet North of South Line of said Section; thence North 132 feet; thence East 40 feet; thence South 132 feet; thence West 40 feet to beginning of Section 22, Town 46 North, Range 1 West.

(Ex. to R&R, ECF No. 1-1. PageID.10.)

The complaint seeks to avoid the Debtor's transfer of interest in the Property. The bankruptcy judge recommends granting Plaintiff's motion for default judgment and avoiding the

transfer of interest. It also recommends awarding costs to Plaintiff from Defendant Lowes in the amount of \$350.00.

The R&R was duly served on the parties, and no objections have been filed under Rule 9033 of the Federal Rules of Bankruptcy Procedure. Accordingly,

IT IS ORDERED that the Report and Recommendation of the Bankruptcy Judge (ECF No. 1-1) is **APPROVED** and **ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's motion for default judgment in the adversary proceeding is **GRANTED**.

IT IS FURTHER ORDERED that the transfer of Debtor's interest in the Property to Defendant Lowes is **AVOIDED** under 11 U.S.C. § 548, authorizing Plaintiff to recover Debtor's former interest in the Property for the benefit of the estate under 11 U.S.C. § 550(a).

A judgment will enter in accordance with this Order.

Dated: August 6, 2021

/s/ Hala Y. Jarbou
HALA Y. JARBOU
UNITED STATES DISTRICT JUDGE