

780395

*Charles Enslin
9000 Andrews Blvd
Highland*

STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

IN THE PORTER SUPERIOR COURT
SITTING AT VALPARAISO, IN

THOMAS L. BARNETT,)
)
Plaintiff,)
)
-vs-)
)
JEFFREY L. BURGE,)
)
Defendant.)

CAUSE NO. 84-PSC-321

FILED
IN OPEN COURT
AUG 8 1984
Roger V. Burdick
JUDGE PORTER SUPERIOR COURT

ORDER

Comes now Plaintiff, in person and by counsel, for hearing on the issue of damages only; matter submitted; evidence heard; and the Court finds as follows:

1. That the Plaintiff incurred an expense of Five Hundred Seventy-Seven and 50/100 (\$577.50) Dollars as a result of the Defendant's failure to timely file Plaintiff's bankruptcy petition and by the omission of twelve (12) creditors from the Plaintiff's bankruptcy schedule.

2. That the Plaintiff incurred an additional Two Hundred Thirty-Five and 00/100 (\$235.00) Dollars for attorney's fees and repossession charges to Associates Finance Services due to Defendant's failure to timely file Plaintiff's bankruptcy petition to stay the repossession of Plaintiff's vehicle.

3. That Plaintiff paid to the Defendant the sum of Two Hundred Forty and 00/100 (\$240.00) Dollars as and for filing fees to file a complaint against Plaintiff's previous employer, Combustion Engineering, and a stockholder's derivative suit against Combustion Engineering, which suits were never filed.

4. That the Plaintiff paid to the Defendant the sum of One Hundred Twenty and 00/100 (\$120.00) Dollars as and for the bankruptcy filing fee, when, in fact, only Sixty and 00/100 (\$60.00) Dollars was expended for the filing fee, leaving a balance owed of Sixty and 00/100 (\$60.00) Dollars to the Plaintiff from the Defendant.

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5. That Plaintiff paid to the Defendant the sum of Two Thousand, Seven Hundred Ninety-Five and 35/100 (\$2,795.35) Dollars as and for attorney's fees of which only One Thousand and 00/100 (\$1,000.00) Dollars worth of work was done, leaving a balance due to Plaintiff from the Defendant of One Thousand, Seven Hundred Ninety-Five and 35/100 (\$1,795.35) Dollars for unearned attorney's fees.

6. That Plaintiff paid to the Defendant trust funds in the sum of Three Thousand, One Hundred Ninety-Five and 46/100 (\$3,195.46) Dollars, of which Three Hundred Seventy-Three and 00/100 (\$373.00) Dollars was paid to Plaintiff's creditors, leaving a balance of Two Thousand, Eight Hundred Twenty-Two and 46/100 (\$2,822.46) Dollars in trust funds unreturned to Plaintiff by the Defendant and converted by the Defendant to his own use and benefit.

7. That there is a total owed to Plaintiff from the Defendant excluding accrued interest on the unearned fees and undistributed trust funds of Six Thousand Forty-Nine and 06/100 (\$6,049.06) Dollars.

8. That there is interest due Plaintiff from the Defendant on the unearned attorney's fees of Three Hundred Forty-One and 79/100 (\$341.79) Dollars from April 28, 1983 to August 8, 1984.

9. That there is interest due Plaintiff from the Defendant on the unreturned trust funds of Five Hundred Five and 77/100 (\$505.77) Dollars.

10. That there is a total sum owed by the Defendant to the Plaintiff of Six Thousand, Eight Hundred Ninety-Six and 62/100 (\$6,896.62) Dollars.

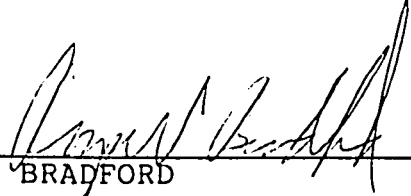
11. That based upon the actions of the Defendant, Plaintiff is entitled to punitive damages in the sum of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff recover from the Defendant, Jeffrey L. Burge, the sum of Six Thousand, Eight Hundred Ninety-Six and 62/100 (\$6,896.62) Dollars for damages together with punitive damages in the sum of

Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, for a total judgment of Thirty-One Thousand, Eight Hundred Ninety-Six and 62/100 (\$31,896.62) Dollars, plus costs.

DATED this 8th day of August, 1984.

ENTERED this 8th day of August, 1984.



ROGER V. BRADFORD
Judge, Porter Superior Court

IN TESTIMONY, that the foregoing is a true copy taken from the records of Porter Circuit/Superior Court. I, Betty R. Cole, Clerk thereof set my hand and affix Seal of Said Court.

This 16 day of Oct 1984
Beth R. Cole Clerk
CIRCUIT/SUPERIOR COURTS COUNTY OF PORTER, INDIANA
By James R. DeWitt Deputy Clerk