

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :  
BRUSHY BROOK DEVELOPMENT : BK No. 05-13009  
COMPANY, LLC : Chapter 7  
Debtor

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**ORDER DENYING MOTION TO STAY FORECLOSURE SALE  
AND GRANTING REQUEST FOR SANCTIONS**

Heard on the Motion for Stay of Foreclosure Sale filed by James Ottenbacher ("Ottenbacher"), and LR6-A, LLC's Objection and Request for Sanctions.

On June 4, 2008, this Court approved a Joint Motion for Approval of Compromise which provided, in part, for approval of LR6-A's Motion for Relief from Stay to foreclose on real property of Boulder Brook Development, LLC.<sup>1</sup> On June 26, 2008, the Court denied Ottenbacher's Motion for Reconsideration of the Approval of the Compromise, and on July 2, 2008, Ottenbacher's Motion To Stay the Foreclosure Sale was denied. Ottenbacher appealed this Court's denial of his Motion to Stay the Bankruptcy Court Order, and also his Motion to Reconsider. On August 28, 2008, District Court Judge William Smith affirmed both Bankruptcy Court orders. Three days before the scheduled foreclosure, Ottenbacher filed in the Bankruptcy Court a Motion for Emergency Stay of the sale. LR6-A

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<sup>1</sup> Boulder Brook Development, LLC, had purchased a parcel of real estate, known as The Reserve at Brushy Brook in Hopkinton, Rhode Island, from the Debtor, Brushy Brook Development Company, LLC.

filed an Objection to that motion and requested sanctions against Ottenbacher. Ottenbacher's Motion for Emergency Stay was denied, and a hearing was held on LR6-A's request for sanctions.

For the reasons argued by LR6-A at the hearing and in the memorandum in support of its request, which are adopted and incorporated herein by reference, sanctions in the amount of \$649 are ORDERED to be paid by James Ottenbacher, on or before November 17, 2008.

Enter Judgment consistent with this Order.

Dated at Providence, Rhode Island, this 5<sup>th</sup> day of November, 2008.



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Arthur N. Votolato  
U.S. Bankruptcy Judge

Entered on docket: 11/5/2008