

UNITED STATES BANKRUPTCY COURT
for the
DISTRICT OF NEW HAMPSHIRE

In re:

Bk. No. 02-10228-MWV

Donald R. Bacon,
Debtor

Chapter 7

MEMORANDUM OPINION AND ORDER

The Court has before it the Disclosure of Compensation by a Bankruptcy Petition Preparer filed by Michael M. Mills, a petition preparer, and an objection thereto filed by the United States Trustee. At the hearing held on June 25, 2002, it came to the attention of the Court that Mr. Mills has not disgorged the fees as ordered in the Court's May 25, 2001 opinion, In re Brewer, et al., 2001 BNH 027. Mr. Mills did not appeal that order, and it is now final and non-appealable. This Court has jurisdiction of the subject matter and the parties pursuant to 28 U.S.C. §§ 1334 and 157(a) and the "Standing Order of Referral of Title 11 Proceedings to the United States Bankruptcy Court for the District of New Hampshire," dated January 18, 1994 (DiClerico, C.J.). This is a core proceeding in accordance with 28 U.S.C. § 157(b).

As a result of the disclosure that Mr. Mills did not comply with the prior order, the Court terminated the June 25, 2002 hearing, finding that a reasonable fee for the instant case is \$150 as outlined in this Court's Moran opinion. See In re Moran, 256 B.R. 842 (Bankr. D.N.H. 2000). The balance of \$175 shall be disgorged to the Chapter 7 Trustee.

Additionally, since Mr. Mills failed to obey this Court's prior order, the Court, pursuant to section 105 of the Bankruptcy Code and the Court's inherent jurisdiction to enforce its orders, *sua sponte* orders that Mr. Mills is prohibited from acting as a petition preparer in the District of New Hampshire,

effective immediately, pending a further order of this Court to the contrary. The clerk's office is directed not to accept any petitions in which Mr. Mills appears as a petition preparer.

This opinion constitutes the Court's findings and conclusions of law in accordance with Federal Rule of Bankruptcy Procedure 7052.

DONE and ORDERED this 25th day of June, 2002, at Manchester, New Hampshire.

/s/ Mark W. Vaughn
Mark W. Vaughn
Chief Judge