

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

GORDON PROPERTIES, LLC,

Debtor.

GORDON PROPERTIES, LLC,

Plaintiff,

vs.

FIRST OWNERS' ASSOCIATION OF
FORTY SIX HUNDRED CONDOMINIUM,
INC.,

Defendant.

Case No. 09-18086-RGM
(Chapter 11)

Adv. Proc. No. 09-1304

ORDER

THIS CASE was before the court on October 7, 2009, for an expedited hearing on Gordon Properties, LLC's motion seeking a declaratory judgment as to whether the threatened action of the First Owners' Association of Forty Six Hundred Condominium, Inc., a condominium unit owners' association, to deny the debtor pursuant to its by-laws its right to vote where the denial to vote is predicated on non-payment of pre-petition condominium fees, violates the automatic stay imposed by §362 of the United States Bankruptcy Code.

There are analogous situations dealing with non-payment of a student's tuition, the suspension of driver's license for non-payment of judgments, and criminal prosecutions for bad checks. The resolution of the matter presented requires an evidentiary hearing to determine what action was taken or threatened and why the action was taken or threatened. There has been

insufficient time to develop the legal arguments or the factual record to determine whether the threatened act will be in violation of the automatic stay.

The debtor argues that it will be difficult to craft an appropriate remedy if the association deprives it of its right to vote at the annual meeting. The parties are reminded that the court may impose non-monetary sanctions and that any action taken in violation of the automatic stay is void which may include invalidating any vote taken by the unit owners' association in which the debtor is deprived of its vote in violation of §362 of the United States Bankruptcy Code.

Upon consideration of which, it is

ORDERED that the debtor's motion is denied without prejudice.

DONE at Alexandria, Virginia, this 29th day of October, 2009.

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

Copy electronically to:

Donald F. King
Linda Sharon Broyhill

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