

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:	*	
	*	
GORDON PROPERTIES, LLC,	*	Case No. 09-18086-RGM
	*	Chapter 11
Debtor.	*	
<hr/>		
GORDON PROPERTIES, LLC,	*	
	*	
Plaintiff,	*	
v.	*	Contested Matter
	*	Objection to Proof of Claim No. 2
FIRST OWNERS' ASSOCIATION OF	*	
FORTY-SIX HUNDRED	*	
CONDOMINIUM, INC.,	*	
	*	
Defendant.	*	

MOTION FOR AWARD OF ATTORNEYS' FEES AS PREVAILING PARTY

GORDON PROPERTIES, LLC, by counsel, files this motion against First Owners' Association of Forty Six Hundred Condominium for an award of its attorneys' fees as prevailing party pursuant to Rules 9014 and 7054 of the Federal Rules of Bankruptcy Procedure and *Va. Code* §55-79.53 of the Virginia Condominium Act and, in support thereof, states as follows:

1. Gordon Properties, LLC (the "Debtor") filed a voluntary chapter 11 petition on October 2, 2009 (the "Petition Date"). As of the Petition Date, the Debtor owned 41 units in The Forty Six Hundred Condominium (the "Condominium").

2. First Owners' Association of Forty-Six Hundred Condominium, Inc. ("FOA") is the owners' association of the Condominium. On January 29, 2010, FOA

DONALD F. KING, ESQUIRE, VSB NO. 23125
JAMES W. REYNOLDS, ESQUIRE, VSB NO. 33226
Counsel for Gordon Properties, LLC
ODIN FELDMAN & PITTLEMAN PC
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190
Direct: 703-218-2134
Fax: 703-218-2160
E-Mail: jim.reynolds@ofplaw.com

filed a proof of claim, designated as claim number 2-1 (the "Claim"), in the amount of \$315,673.36. The Claim purportedly consisted of certain condominium assessments (the "Assessments") and interest and late charges on the Assessments.

3. The Debtor objected to the Claim on September 27, 2010. After holding an extensive evidentiary hearing, this Court disallowed the Claim in its entirety pursuant to an Order [Docket No. 424] entered on August 23, 2012.

4. Pursuant to *Va. Code* §55-79.53, the Debtor is entitled to an award of its attorneys' fees and costs as the prevailing party in this matter.

5. Rule 9014 of the Federal Rules of Bankruptcy Procedure makes rule 7054 applicable in contested matters. Rule 7054 provides that the Court may award attorney's fees to the prevailing party.

6. The Debtor will supplement this motion with documentation showing the amount of the attorneys' fees and costs incurred in objecting to the claim filed by FOA.

WHEREFORE, Gordon Properties, LLC, by counsel, requests that the Court enter an order (i) awarding its attorney's fees and costs incurred in connection with its objection to FOA's claim, (ii) granting judgment against FOA in the amount of the Debtor's attorneys' fees and costs incurred in connection with its objection to FOA's claim, and (iii) for such other relief as this Court deems appropriate.

Respectfully submitted,
Gordon Properties, LLC
By counsel

/s/ James W. Reynolds

Donald F. King, Esquire, VSB No. 23125
James W. Reynolds, Esquire, VSB No. 33226
Counsel for Gordon Properties, LLC
ODIN FELDMAN & PITTLEMAN PC
1775 Wiehle Avenue, Suite 400
Reston, Virginia 20190
Direct: 703-218-2134
Fax: 703-218-2160
E-Mail: Jim.Reynolds@ofplaw.com

Certificate of Service

I hereby certify that on this 6th day of September, 2012, a copy of this Motion for Award of Attorneys' Fees as Prevailing Party was served via ecf notification upon Jennifer Sarvadi, Esquire, counsel for the Defendant.

/s/ James W. Reynolds
James W. Reynolds

#1783065v1 jwrpl-motion award attorneys fees 52144/00001