

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE

STANLEY J. KAKOL, JR., ) MISCELLANEOUS PROCEEDING  
and LAW OFFICES OF ) NO. 24-00502-JRS  
STANLEY J. KAKOL, JR., LLC, )

**MOTION TO ADD CASES TO PROCEEDING**

Mary Ida Townson, United States Trustee for Region 21, moves the Court to reopen, reassign, and add the following cases to this Miscellaneous Proceeding: Yung Lai, 23-50013-bem; Joshua Martia Back, 23-57312-pwb; Gunther Czarnecki, 23-52149-jrs (need not be reassigned); and Leonard Henderson, 23-53168-bem.

1.

The Order Opening Miscellaneous Proceeding (MP Dkt. No. 1) authorized the United States Trustee to add cases to this proceeding by filing a pleading identifying the case and providing a brief description of facts warranting its inclusion in the Miscellaneous Proceeding. The Order provides that, upon the filing of such pleading, the case(s) so identified shall be reopened, reassigned to Judge Sacca, and added to the Miscellaneous Proceeding without further order of the Court.

2.

On January 2, 2023, Attorney Kakol filed a skeletal petition for **Yung Lai, 23-50013-bem**. The court dismissed the case on January 27, 2023, on account of the debtor's failure to correct filing deficiencies. The petition shows the debtor's residence was 805 Ashton Oak Circle, Stone Mountain, GA 30083. Records of

the Dekalb County Tax Assessor show the debtor transferred the property to CMNC Homes, LLC, on March 3, 2023, for \$148,270 and CMNC sold the property on April 12, 2023, for \$260,000. The Dekalb County records include an interesting annotation about the debtor's sale to CMNC: "Doubtful Price not FMV." Attorney Kakol did not file a Form 2030 in the Yung Lai case.

2.

On July 31, 2023, Attorney Kakol filed a skeletal petition for **Joshua Martia Back, 23-57312-pwb**. On August 7, 2023, Attorney Kakol filed a Form 2030 on which he reported that he charged the debtor a fee of \$5,000 and had received \$1,000 from the debtor. (Dkt. No. 12) On December 29, 2023, Attorney Kakol filed an amended Form 2030 on which he reported that he charged a fee of \$1,000 and had received \$1,000 from Kyle Edwards on behalf of CMNC Homes, LLC. (Dkt. No. 18) The petition shows the debtor's residence was 2241 Woodmere Drive, Marietta, GA 30068. On August 4, 2023, Attorney Kakol filed a Request for Change of Address for the debtor, listing the corrected address as 2441 Woodmere Drive, Marietta, GA 30068. (Dkt. 10) Cobb County real estate records show the debtor sold the property to CMNC Homes, LLC, for \$140,171.

3.

On October 31, 2022, Attorney Kakol filed a chapter 13 case for Gunther Czarnecki, 22-58796-jrs. That case was dismissed on January 17, 2023, for failure to correct filing deficiencies. (Dkt. No. 23) On March 6, 2023, Attorney Kakol filed a second case for **Gunther Czarnecki, Case No. 23-52149-jrs**. That case was dismissed March 31, 2023, for failure to correct filing deficiencies. (Dkt. No. 13) On June 6, 2023, Gunther Czarnecki filed a pro se chapter 7 petition, Case No. 23-55297-jrs. The pro se case was dismissed for failure to correct filing deficiencies, on July 3, 2023. All three petitions listed the debtor's address as 701

Berkeley Woods Drive, in Duluth, GA 30096. Gwinnett County property records show Gunther Czarnecki sold this property to CMNC Homes, LLC, on September 18, 2023, for the sum of \$87,520. On December 4, 2023, CMNC Homes, LLC, resold this property to Nicholas Cortez for \$252,500. On February 24, 2023, Attorney Kakol reported that his “representation of Gunter Czarnecki (sic) is independent of any interaction Mr. Czarnecki (sic) had with CMNC Homes.” Attorney Kakol did not file a Form 2030 in the Czarnecki cases.

4.

In his February 24, 2024, communication to the U.S. Trustee, Attorney Kakol identified the case of **Leonard Henderson, 23-53168-bem**, as “another case where my representation is independent of any interactions with CMNC Homes.” Attorney Kakol filed Mr. Henderson’s chapter 13 case on April 4, 2023. Because this was the debtor’s third chapter 13 case within the preceding year, the stay did not automatically go into effect.<sup>1</sup> Attorney Kakol filed an Emergency Motion to Impose Stay as to Wells Fargo Bank, N.A., where he observed that Mr. Henderson had about \$220,000 in equity in his residence. (Dkt. No. 5, see also Dkt. No. 11) After Wells Fargo obtained in rem relief (Dkt. No. 20), Attorney Kakol moved, on June 12, 2023, for voluntary dismissal of the case. (Dkt. No. 29) The case was dismissed June 26, 2023, with a 180-day bar to re-filing under chapter 13. (Dkt. No. 30) On May 5, 2023, while this third case was pending, CMNC Homes purchased Mr. Henderson’s residence, 1464 Millennial Lane, Lawrenceville, GA 30045. Gwinnett County property records show that CMNC Homes paid \$250,000 for property and re-sold it to Daniel Dillard for \$385,000 on April 24, 2024. The Form 2023 lists Debtor as the source of Attorney Kakol’s compensation.

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<sup>1</sup> Clark & Washington filed the petition for Case No. 22-56973-bem on September 2, 2022. Mr. Henderson filed a pro se petition on December 29, 2022, for Case No. 22-60544-bem.

MARY IDA TOWNSON

UNITED STATES TRUSTEE, REGION 21

/s/ R. Jeneane Treace

R. Jeneane Treace

Georgia Bar No. 716620

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### **CERTIFICATE OF SERVICE**

This is to certify that on May 9, 2024, I will electronically filed this pleading using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program, other than counsel for the U.S. Trustee.

- **Stanley J. Kakol** documents@sjklawfirm.com,  
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/s/ R. Jeneane Treace

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