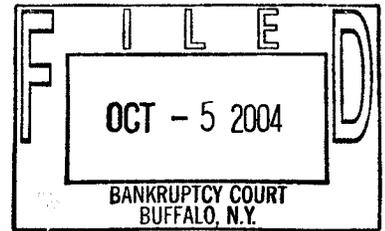


UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK



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In re:

BK Case No. 1-04-15682 MJK

Paul Boduch  
Paul Taylor

Malgosia Taylor  
Malgosia Boduch  
Malgosia M. Taylor  
Malgosia M. Boduch  
Malgosia M. Taylor-Boduch  
Malgosia Baduch

Debtors

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Hon. Michael J Kaplan  
ADV.NO.

Philip Sorge  
4089 California Road  
Orchard Park, New York 14127

Plaintiff,

v.

Paul Boduch  
Paul Taylor

Malgosia Taylor  
Malgosia Boduch  
Malgosia M. Taylor  
Malgosia M. Boduch  
Malgosia M. Taylor-Boduch  
Malgosia Baduch

Defendants

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COMPLAINT

COMES NOW Plaintiff, pro sa at this time, Philip Sorge  
to allege and complain as follows:

## I. PARTIES AND JURISDICTION

1. Defendants filed a Chapter 7 bankruptcy petition on 7-29-04.
2. This adversary proceeding is commenced under Rule 7001 (0) of the Federal Rules of Bankruptcy Procedure by Plaintiff, seeking a determination of nondischargeability of the debt owed to Plaintiff by Defendants pursuant to 11 U.S.C. §523 (a) (2) (A).
3. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §157, 28 U.S.C. §1334, and 11 U.S.C. §523, and the Order of Reference entered by the District Court.
4. Venue is proper in this district by virtue of 28 U.S.C. §1409 (a), as this proceeding arises in and relates to a case under the Bankruptcy Code pending in this district. This proceeding is a core proceeding pursuant to 28 U.S.C. §157 (b) (2) (I).

## II. CAUSE OF ACTION

5. Plaintiff is a creditor of Defendants by virtue of having issued a loan in the amount of \$10,000.00 to Defendants in exchange for the deed to 132 Stepping Stone Lane, Orchard Park, New York 14127 as collateral on Christmas Eve Day 2002.
6. The purpose of this loan was to enable Defendants to pay a debt to the IRS and thus prevent the loss of their house at 132 Stepping Stone Lane.

7. Defendants made such representations with the intent and purpose of deceiving Plaintiff into granting the loan.
8. Plaintiff reasonably relied on the representations made by Defendants.
9. Defendants incurred this debt (scam) when they had no ability or intent to repay it.
10. Defendants were already insolvent at the time the debt was incurred and did not have the present ability or the realistic future possibility to repay the debt.
11. Defendants obtained money from Plaintiff by false pretenses and false representations. False representations were made by Defendants concerning their professions, income, and ability to repay .
12. Defendants obtained money from Plaintiff by false pretenses and/or actual fraud by requesting and accepting money with absolutely no intention of repaying it.
13. As a result of Defendants' conduct, Plaintiff has suffered monetary damages and other damages, including multiple false police reports and false arrests.
14. Pursuant to 11 U.S.C. §523 (a) (2), Defendants should not be granted a discharge of the property at 132 Stepping Stone Lane, Orchard Park, New York 14127 because Plaintiff has the deed to the property given as collateral for the loan.

15. Plaintiff holds deed to 132 Stepping Stone Lane, Orchard Park, New York 14127 as collateral for money owed.

FACTS

- a. The debtors did in fact turn over to Philip Sorge the deed to 132 Stepping Stone Lane, Orchard Park, New York 14127, County of Erie Book 10975 Page 0836 as collateral for \$10,000.00 on December 24, 2002.
- b. Trial was held in Orchard Park Town Court October 28, 2003 and November 6, 2003.
- c. Witnesses were sworn and the court heard testimony and evidence was presented.
- d. The Court did in fact enter a written decision dated December 2, 2003.
- e. Fact : Page of 5 of the written decision clearly states : "MONEY THAT DAY IN EXCHANGE FOR THE DEED" (December 24, 2002)
- f. July 15, 2004, New York State Supreme Court Hon. Judge Donna M. Siwek was to hear motion to turn property over to Philip Sorge.
- g. Debtors' Attorney, Jeffrey Abate, asked the Court for an adjournment to August 26, 2004.
- h. Debtors filed for Bankruptcy July 29, 2004.
- i. August 26, 2004, Mr. Philip Sorge and Mr. Jeffrey Abate, attorney for the debtors did

appear before the Hon. Judge Donna M. Siwek.

- j. Hon. Judge Donna M. Siwek did STAY the proceedings due to the fact that the debtors did file Bankruptcy in between the court dates.
- k. The property at 132 Stepping Stone Lane, Orchard Park, New York is listed on the Bankruptcy for a value of \$55,000.
- 1. Townhouses in that village in the past year have sold for :

High           \$162,000.

Low             \$110,000.

### III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court grant the following relief:

- 1. A determination against Defendant (Trustee) to turn over the property at 132 Stepping Stone Lane, Orchard Park, New York 14127 to Plaintiff;
- 2. An order determining that such debt is non-dischargeable under II U.S.C. §523 (a)(2), and therefore Plaintiff be placed on secured list in any Bankruptcy action; and
- 3. An order awarding Plaintiff fees, costs, and monetary damages incurred herein; and
- 4. An order providing Plaintiff with such additional

relief as this court deems just and equitable.

Additionally, the attachments referred to in this complaint are not attached to the Debtors' copy or to the Attorney's copy.

DATED October 1, 2004

Philip Sorge  
pro sa at this time

By 

Philip Sorge

4089 California Road  
Orchard Park, New York 14127