

In the United States Bankruptcy Court  
For the District of Maryland

In Re:

FREDERICK B. KNOTT, SR.

Chapter 7

Case No. 11- 29141

Debtor(s)

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STATE EMPLOYEES CREDIT UNION OF  
MARYLAND, INC.  
Movant,

vs.

FREDERICK B. KNOTT, SENIOR, Debtor  
BOARDWALK 2001, LLC, *et al.*, Creditor  
PAUL DIEM, Party in Interest, and )  
JOHN LESCHEFSKY, Party in Interest,

Respondents.

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MOTION TO STRIKE MOTION TO ANNUL AUTOMATIC STAY

Now comes the Debtor Frederick B.Knott, Sr., by his counsel, Richard J. Hackerman, and John Leschefsky, party in interest, and moves to strike the motion to annul automatic stay filed by State Employees Credit Union of Maryland, Inc., and/or Paul Diem pursuant to Federal Rule 12(f) , and for reason says:

1. That neither Maryland State Employees Credit Union of Maryland, Inc. nor Paul Diem were or are parties to the instant bankruptcy case.
2. That neither Maryland State Employees Credit Union of Maryland, Inc., nor Paul Diem filed a motion to reopen the instant bankruptcy case to permit to file the filing of their motion.
3. That on June 30, 2016 pursuant to 11 U.S.C Sec. 350(b), the Debtor filed an amended motion to reopen his case to allow the him to file a complaint for violation of the discharge injunction, violation of the automatic stay, contempt, money damages and counsel fees and for an order determining that the foreclosure sale conducted while the Debtor was in Bankruptcy is a nullity.
4. That after a hearing the motion was granted on October 28, 2016 for “ the limited purpose of permitting Debtor(s) to file a complaint as authorized by the Court on the record at the hearing held on this matter on September 13, 2016 ...”. A copy of the order is attached and marked as Respondent’s exhibit 1.

5. The events referred to the Motion to Annul the automatic stay, i.e. the foreclosure filed and prosecuted by Boardwalk, 2001 ,LLC were unlawful, in violation of Section 362 of the Bankruptcy Code, and void ab initio. In re Miller, 10 B.R. 778 (BC Md.1981), aff'd 22 B.R. 479 (D.Md.1982). Anglemeyer v. United States, 115 B.R. 510 (D.Md. 1990) (restating the proposition).

6. As the foreclosure was void ab initio, any attempt to reopen the case to prosecute the motion filed by Movant's would be fruitless.

7. Pursuant to Federal Rule 12(f) a court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

(1) on its own; or

(2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

8. As this case has not been reopened to permit the request for relief filed by Movants' the motion for relief should be stricken.

Wherefore, it is requested that the motion for relief filed by the Movants be stricken, and for such other and further relief as the nature of this cause may require.

/S/ Richard J. Hackerman

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Richard J. Hackerman  
Attorney for the Debtor  
116 West University Parkway  
Baltimore, MD 21210  
(410) 243-8800

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY A COPY OF THE AFOREGOING WAS MAILED TO THE AFOREGOING PARTIES, this 14<sup>th</sup> day of March, 2017

unto:

Monique D. Almy, Trustee  
Crowell & Moring  
1001 Pennsylvania Avenue, N.W., 10th Fl  
Washington, DC 20004-2595

Justin P. Fasano, Esquire

McNamee Hosea  
6411 Ivy Lane, Suite 200  
Greenbelt, Maryland 20770

Boardwalk 2001 LLC  
825 N. Charles Street  
Baltimore, Maryland 21201

Boardwalk 2001 LLC  
By service upon its resident agent:  
Jay Dackman  
825 N. Charles Street  
Baltimore, Maryland 21201

Jeffrey B. Schultz, Esquire  
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/S/ Richard J. Hackerman

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