

# UNOFFICIAL COPY

Order

(Rev. 9/13/04) CCG 0002

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

JLYNN MURPHY - PIERCE - PETITIONER

v.

LEEROY MURPHY - RESPONDENT

Pg 182

No. 1990 D 007541



Doc#: 1023646015 Fee: \$38.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 08/24/2010 10:33 AM Pg: 1 of 2

### ORDER

This matter before the court for hearing pursuant to a prior court order entered on April 5, 2010. On April 5, 2010, during a scheduled hearing on Respondent's liability for fees under 750 ILCS 5/508(b), Respondent's counsel, JAMES CHILDS, challenged this court's jurisdiction over the subject matter based upon Respondent's Chapter 13 Bankruptcy presently pending in the N.D. of Illinois under Case #2009 B 33486. In response, this court terminated the hearing and ordered both parties to brief the issue of the court's jurisdiction to enforce its domestic support orders, in this case an order for college contribution, and order the payment of attorney's fees to Petitioner incurred in the enforcement of such orders. Briefs were due on June 9, 2010. Petitioner submitted a Memorandum in Support arguing that domestic support obligations and attorney fees incurred in relation to such orders are exempt from the automatic stay. Respondent through his counsel declined to submit a brief alleging without any citation to authority that the Bankruptcy Court has superior jurisdiction over all state court matters under the Federal Bankruptcy Act.

After considering the arguments of counsel and Petitioner's Memorandum in Support, this court found that its prior orders for college contribution are "domestic support orders" as defined by 11 U.S.C. 101(14A) as the debt Petitioner seeks to enforce is: 1) owed to the Jlynn Pierce, the Petitioner, 2) is in the nature of support, 3) was established by court order on January 5, 2005; and has not been assigned to a government entity and finally, that domestic support obligations are exempt from the Automatic Stay provision of section 362(b)(2)(C). As a result this court determined that it has continuing jurisdiction to enforce its own orders and to award fees under 508(b).

Atty. No.: 30629

Name: SUE ROBERTS-KURPIS, ESQ.

Atty. for: JLYNN PIERCE

Address: 3845 WEST 58TH PLACE

City/State/Zip: CHICAGO, IL 60629

Telephone: 773 284 0980

18 AUGUST

2010

ENTERED:

Judge

Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**UNOFFICIAL COPY****Order****(Rev. 9/13/04) CCG 0002****IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**JLYNN PIERCE (AKA: MURPHY) PETITIONER

v.

LEEROY MURPHY - RESPONDENTNo. 1990 D 007541*Rg 2 of 2***ORDER**

This court then proceeded to conduct a hearing on Petitioner's Petition for Attorney's Fees filed on August 25, 2009. Petitioner and her counsel were in court. Respondent's counsel, JAMES CHILDS, appeared but the Respondent, LEEROY MURPHY, failed to appear despite this court's order of April 5, 2010 that "all parties [were] to appear . . . on the stated date and time. In the absence of Respondent, this court reviewed Petitioner's Fee Petition and time records for sufficiency and upon finding Petitioner's Petition to be sufficient, determined that the attorney's fees requested for the period from December 28, 2008 through July 22, 2009 were necessary and reasonable with the following deductions: No fees will be awarded for December 30, 2008 for preparation of a Notice to Withhold Support or for February 19, 2009 as Petitioner's counsel failed to include a notation of the time spent on that date's activities. Total time to be compensated is 13.5 hours at counsel's customary rate of \$250.00 per hour. No award is made for fees incurred after July 22, 2009.

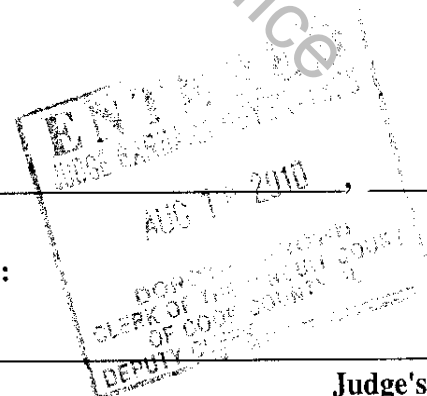
Judgment in favor of JLYNN PIERCE formerly Murphy, payable to her counsel, SUE ROBERTS-KURPIS, and against LEEROY MURPHY in the amount of Three Thousand, Three Hundred and Seventy-five dollars (\$3,375.00) is entered instanter.

Atty. No.: 30629Name: SUE ROBERTS-KURPISAtty. for: PETITIONERAddress: 3845 WEST 58TH PLACECity/State/Zip: CHICAGO, IL 60629Telephone: 773 284 0980 FAX: 773 284 1080

ENTERED:

Judge

Judge's No.

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**