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OFFICE OF  
INSURANCE COMMISSIONER

*In Re the Matter of*

**EDMUND C. SCARBOROUGH and  
WALTER W. WOLF,**

*Respondents.*

DOCKET NO. 13-0084  
SIMBA NO.

**NOTICE OF BANKRUPTCY  
FILING BY RESPONDENT  
SCARBOROUGH**

The Office of Insurance Commissioner ("OIC") staff has received a Notice of Chapter 11 Bankruptcy Case and Order Scheduling Status Conference in a bankruptcy case apparently filed July 17, 2014, by Respondent Edmund Scarborough in the United States Bankruptcy Court, Middle District of Florida, Tampa Division. A copy of this Notice and Order is attached hereto as Exhibit "A."

Attached hereto as Exhibit "B" is a copy of Section 362(b) of the Bankruptcy Code setting forth exceptions to the automatic stay provisions of the Code.

Under Section 362(b)(4) of the Bankruptcy Code, the police power exception to the automatic stay, OIC staff believes Mr. Scarborough's bankruptcy filing does not stay this proceeding and that the matter may, and should, proceed to hearing as now scheduled.

Respectfully Submitted this <sup>th</sup><sub>29</sub> day of August, 2014

A handwritten signature in cursive script that reads "Charles Brown".

Charles Brown  
OIC Insurance Enforcement Specialist  
Legal Affairs Division

CERTIFICATE OF MAILING

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing NOTICE OF BANKRUPTCY FILING BY RESPONDENT SCARBOROUGH on the following individual via Hand Delivery, US Mail and e-mail at the below indicated addresses:

**Hand Delivery and Email**

Judge George Finkle - **ORIGINAL**  
Chief Hearing Officer  
Office of Insurance Commissioner  
5000 Capitol Boulevard  
Tumwater, WA 98501  
[kellyc@oic.wa.gov](mailto:kellyc@oic.wa.gov)  
[GFinkle@JDRLLC.com](mailto:GFinkle@JDRLLC.com) and  
[Forbes@JDRLLC.com](mailto:Forbes@JDRLLC.com)

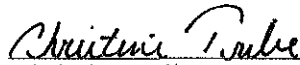
**US Mail and Email**

**Attorney for Walter W. Wolf**  
James A. McPhee  
Workland & Witherspoon, PLLC  
601 W Main Avenue, Suite 714  
Spokane, WA 99201  
[jmcphee@workwith.com](mailto:jmcphee@workwith.com)

**US Mail and Email**

**Attorney for Edmund C. Scarborough**  
Timothy J. Parker, Esq.  
Carney Badley Spellman  
701 Fifth Avenue, Suite 3600  
Seattle, WA 98104-7010  
[Parker@Carneylaw.com](mailto:Parker@Carneylaw.com)

SIGNED this 4<sup>th</sup> day of August, 2014, at Tumwater, Washington.

  
Christine Tribe

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EDMUND C. SCARBOROUGH and WALTER WOLF  
OIC NO. 13-0084 / SIMBA NUMBER: 1137631

# EXHIBIT A

UNITED STATES BANKRUPTCY COURT, MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION  
Case No. 8:14-bk-08222-KRM  
Chapter 11

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re:

Case No. 8:14-bk-08222-KRM  
Chapter 11

Edmund Craig Scarborough  
6850 CR 540 East  
Haines City, FL 33844

Yvonne Kay Scarborough  
6850 CR 540 East  
Haines City, FL 33844

Debtor\* /

ORDER SCHEDULING STATUS CONFERENCE

THIS CASE came on for consideration, without a hearing, for the purpose of entry of an Order Scheduling a Status Conference pursuant to Bankruptcy Code Section 105(d).

The Court considered the record and finds that on July 17, 2014, the Debtor filed a Petition for Relief under Chapter 11 of the Bankruptcy Code. Therefore it is appropriate to schedule a status conference for the purpose of, (1) fixing a date by which the Debtor-in-Possession (DIP/Trustee) must assume or reject executory contracts or unexpired leases; (2) to set a date by which the DIP or Trustee, if one has been appointed, is to file a disclosure statement and the plan; (3) to set a date to solicit acceptance of the plan; (4) to set a date for which a party of interest, other than the Debtor, may file a plan; (5) to set a date by which a proponent of a plan, other than the Debtor, shall solicit acceptance of the plan; (6) to set the scope and format of the notice concerning a hearing on the approval of the disclosure statement; (7) and to consider whether or not the approval of the disclosure statement should be combined with the hearing on confirmation of the plan.

To fully effectuate the purpose of Section 105(d) of the Bankruptcy Code, it is essential that counsel of record for the Debtor together with the individual Debtor or representative of the corporate Debtor with authority to comply with the requirements set forth in the order entered at the conclusion of the status conference appear. Accordingly, it is

**ORDERED:**

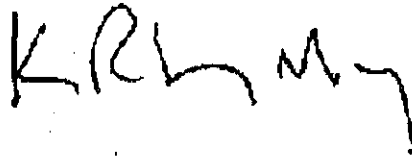
1. Status Conference. The Status Conference be, and the same hereby is scheduled to be held before the Honorable K. Rodney May in Tampa, FL – Courtroom 9B, Sam M. Gibbons United States Courthouse, 801 N. Florida Avenue, on August 21, 2014 at 9:30 a.m. .

2. Appropriate Courtroom Attire. You are reminded that Local Rule 5072-1 (b) (16) requires that all persons appearing in Court should dress in business attire consistent with their financial abilities. Shorts, sandals, shirts without collars, including tee shirts and tank tops, are not acceptable.

3. Avoid delays at Courthouse security checkpoints. You are reminded that Local Rule 5073-1 restricts the entry of cellular telephones and, except in Orlando, computers into the Courthouse absent a specific order of authorization issued beforehand by the presiding judge. Please take notice that as an additional security measure a photo ID is required for entry into the Courthouse.

BY THE COURT

Dated: July 21, 2014



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K. Rodney May  
United States Bankruptcy Judge

\*All references to "Debtor" shall include and refer to both of the debtors in a case filed jointly by two individuals.

The Clerk's office is directed to serve a copy of this order on interested parties.

## EXPLANATIONS

FORM B9E Alt (12/12)

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures; and garnishing or deducting from the debtor's wages. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. A proof of claim form may be filed on-line at the Court's website - <a href="http://www.flmb.uscourts.gov">www.flmb.uscourts.gov</a> or you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. <b>Filing Deadline for a Foreign Creditor:</b> The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. <i>Do not include this notice with any filing you make with the court.</i>
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). Unless the court orders otherwise, however, the discharge will not be effective until completion of all payments under the plan. A discharge means that you may never try to collect the debt from the debtor except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline. If you believe that the debtor is not entitled to receive a discharge under Bankruptcy Code § 1141(d)(3), you must file a complaint with the required filing fee in the bankruptcy clerk's office not later than the first date set for the hearing on confirmation of the plan. You will be sent another notice informing you of that date.
Exempt Property	The debtor is permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors, even if the debtor's case is converted to chapter 7. The debtor must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe that an exemption claimed by the debtor is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.
— Refer to Other Side for Important Deadlines and Notices —	
Voice Case Info. System (MeVCIS)	MeVCIS provides basic case information concerning deadlines such as case opening and closing date, discharge date and whether a case has assets or not. MeVCIS is accessible 24 hours a day except when routine maintenance is performed. To access MeVCIS toll free call 1-866-222-8029.

<b>UNITED STATES BANKRUPTCY COURT</b> Middle District of Florida	
<b>Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, &amp; Deadlines</b>	
<p>A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on July 17, 2014 .            You may be a creditor of the debtor. <b>This notice lists important deadlines.</b> You may want to consult an attorney to protect your rights.            All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the            bankruptcy clerk's office cannot give legal advice.</p>	
<b>Creditors -- Do not file this notice with any proof of claim you submit to the court.</b> <b>See Reverse Side For Important Explanations</b>	
Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):	
Edmund Craig Scarborough 6850 CR 540 East Haines City, FL 33844	Yvonne Kay Scarborough 6850 CR 540 East Haines City, FL 33844
Case Number: 8:14-bk-08222-KRM	Social Security/Taxpayer ID/Employer ID/Other Nos.: 266-73-3287 419-06-7439
Attorney for Debtor(s) (name and address): Perry G Gruman 3400 West Kennedy Boulevard Tampa, FL 33609 Telephone number: 813-870-1614	
<b>Meeting of Creditors</b>	
Debtor(s) must present Photo ID and acceptable proof of Social Security Number at § 341 meeting. You are reminded that Local Rule 5073-1 restricts the entry of personal electronic devices into the Courthouse.	
Date: August 20, 2014	Time: 09:30 AM
Location: Room 100-B, 501 East Polk St., (Timberlake Annex), Tampa, FL 33602	
<b>Deadlines:</b>	
Papers must be received by the bankruptcy clerk's office by the following deadlines:	
<b>Deadline to File a Proof of Claim:</b>	
For all creditors (except a governmental unit): November 3, 2014      For a governmental unit: 180 days from the date of filing	
<b>Creditor with a Foreign Address</b>	
A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.	
<b>Deadline to File a Complaint to Determine Dischargeability of Certain Debts: October 20, 2014</b>	
<b>Deadline to File a Complaint Objecting to Discharge of the Debtor:</b> <i>First date set for hearing on confirmation of plan.</i> Notice of that date will be sent at a later time.	
<b>Deadline to Object to Exemptions:</b> Thirty (30) days after the conclusion of the meeting of creditors.	
<b>Creditors May Not Take Certain Actions:</b>	
In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.	
Address of the Bankruptcy Clerk's Office: Sam M. Gibbons United States Courthouse 801 North Florida Avenue, Suite 555 Tampa, FL 33602 Telephone number: 813-301-5162	For the Court: Clerk of the Bankruptcy Court: Lee Ann Bennett
Hours Open: Monday - Friday 8:30 AM - 4:00 PM	Date: July 21, 2014

WED-20304 113A-8 B9E2 14-08222  
Perry G Gruman  
3400 West Kennedy Boulevard  
Tampa, FL 33609

014704 14704 1 MB 0.432 98504 5 3 7580-1-14704



Washington State  
Insurance Office  
c/o Alan Michael Singer  
PO Box 40255  
Olympia, WA 98504-0522

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EDMUND C. SCARBOROUGH and WALTER WOLF  
OIC NO. 13-0084 / SIMBA NUMBER: 1137631

# EXHIBIT B

Section 362(b) of the Bankruptcy Code



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TOC: [United States Code Service; Code, Const, Rules, Conventions & Public Laws > / . . . / > SUBCHAPTER IV. ADMINISTRATIVE POWERS > § 362. Automatic stay \[Part 1 of 4\]](#)

11 USCS § 362

UNITED STATES CODE SERVICE  
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\*\*\* Current through PL 113-142, with a gap of 113-128, approved 7/25/14 \*\*\*

TITLE 11. BANKRUPTCY  
 CHAPTER 3. CASE ADMINISTRATION  
 SUBCHAPTER IV. ADMINISTRATIVE POWERS

[Go to the United States Code Service Archive Directory](#)

11 USCS § 362

THE CASE NOTES SEGMENT OF THIS DOCUMENT HAS BEEN SPLIT INTO 4 DOCUMENTS. THIS IS PART 1. USE THE BROWSE FEATURE TO REVIEW THE OTHER PART(S).

§ 362. Automatic stay

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title [11 USCS § 301, 302, or 303], or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970 [15 USCS § 78eee(a)(3)], operates as a stay, applicable to all entities, of--

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the

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EXHIBIT B - Page 1

commencement of the case under this title;

(2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate;

(5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;

(6) any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case under this title;

(7) the setoff of any debt owing to the debtor that arose before the commencement of the case under this title against any claim against the debtor; and

(8) the commencement or continuation of a proceeding before the United States Tax Court concerning a tax liability of a debtor that is a corporation for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title.

(b) The filing of a petition under section 301, 302, or 303 of this title [11 USCS § 301, 302, or 303], or of an application under section 5(a)(3) of the Securities Investor Protection Act of 1970 [15 USCS § 78eee(a)(3)], does not operate as a stay--

(1) under subsection (a) of this section, of the commencement or continuation of a criminal action or proceeding against the debtor;

(2) under subsection (a)--

(A) of the commencement or continuation of a civil action or proceeding--

(i) for the establishment of paternity;

(ii) for the establishment or modification of an order for domestic support obligations;

(iii) concerning child custody or visitation;

(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

(v) regarding domestic violence;

(B) of the collection of a domestic support obligation from property that is not property of the estate;

(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order or a statute;

(D) of the withholding, suspension, or restriction of a driver's license, a professional or occupational license, or a recreational license, under State law, as specified in section 466(a)(16) of the Social Security Act [42 USCS § 666(a)(16)];

(E) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act [42 USCS § 666(a)(7)];

(F) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act [42 USCS §§ 664 and 666(a)(3)] or under an analogous State law; or

## History

## Interpretive Notes and Decisions

## History; Ancillary Laws and Directives

## Code of Federal Regulations

## Resources & Practice Tools

### Related Statutes & Rules

### Research Guide

#### Federal Procedure:

- > 8 Moore's Federal Practice (Matthew Bender 3d ed.), ch 41, Dismissal of Actions § 41.32.
- > 15 Moore's Federal Practice (Matthew Bender 3d ed.), ch 104, Specific Grants of Federal Question Jurisdiction § 104.41.
- > 17A Moore's Federal Practice (Matthew Bender 3d ed.), ch 120, Dual State and Federal Judicial Structure § 120.21.

#### Forms:

- > 3 Bender's Federal Practice Forms, Form 8(IX):121, Federal Rules of Civil Procedure.
- > 6 Rabkin & Johnson, Current Legal Forms, Form 4A.32, Equipment Leasing.
- > 8 Rabkin & Johnson, Current Legal Forms, § 5A.96, Creditors' Agreements.

#### Intellectual Property:

- > 4 Nimmer on Copyright (Matthew Bender), ch 19A, Bankruptcy § 19A.02.
- > 4 Milgrim on Trade Secrets (Matthew Bender), ch 15, Trial Considerations § 15.02.
- > 4 Milgrim on Trade Secrets (Matthew Bender), ch 16, Anatomy of Trade Secret Litigation § 16.01.

 More...

(G) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act [42 USCS §§ 601 et seq.];

(3) under subsection (a) of this section, of any act to perfect, or to maintain or continue the perfection of, an interest in property to the extent that the trustee's rights and powers are subject to such perfection under section 546(b) of this title [11 USCS § 546(b)] or to the extent that such act is accomplished within the period provided under section 547(e)(2)(A) of this title [11 USCS § 547(e)(2)(A)];

(4) under paragraph (1), (2), (3), or (6) of subsection (a) of this section, of the commencement or continuation of an action or proceeding by a governmental unit or any organization exercising authority under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993, to enforce such governmental unit's or organization's police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit's or organization's police or regulatory power;

(5) [Deleted]

(6) under subsection (a) of this section, of the exercise by a commodity broker, forward contract merchant, stockbroker, financial institution, financial participant, or securities clearing agency of any contractual right (as defined in section 555 or 556 [11 USCS § 555 or 556]) under any security agreement or arrangement or other credit enhancement forming a part of or related to any commodity contract, forward contract or securities contract, or of any contractual right (as defined in section 555 or 556 [11 USCS § 555 or 556]) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such contracts, including any master agreement for such contracts;

(7) under subsection (a) of this section, of the exercise by a repo participant or financial participant of any contractual right (as defined in section 559 [11 USCS § 559]) under any security agreement or arrangement or other credit enhancement forming a part of or related to any repurchase agreement, or of any contractual right (as defined in section 559 [11 USCS § 559]) to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more such agreements, including any master agreement for such agreements;

(8) under subsection (a) of this section, of the commencement of any action by the Secretary of Housing and Urban Development to foreclose a mortgage or deed of trust in any case in which the mortgage or deed of trust held by the Secretary is insured or was formerly insured under the National Housing Act and covers property, or combinations of property, consisting of five or more living units;

(9) under subsection (a), of--

(A) an audit by a governmental unit to determine tax liability;

(B) the issuance to the debtor by a governmental unit of a notice of tax deficiency;

(C) a demand for tax returns; or

(D) the making of an assessment for any tax and issuance of a notice and demand for payment of such an assessment (but any tax lien that would otherwise attach to property of the estate by reason of such an assessment shall not take effect unless such tax is a debt of the debtor that will not be discharged in the case and such property or its proceeds are transferred out of the estate to, or otherwise revested in, the debtor).

(10) under subsection (a) of this section, of any act by a lessor to the debtor under a lease of nonresidential real property that has terminated by the expiration of the stated term of the lease before the commencement of or during a case under this title to obtain possession of such property;

(11) under subsection (a) of this section, of the presentment of a negotiable instrument and the giving of notice of and protesting dishonor of such an instrument;

(12) under subsection (a) of this section, after the date which is 90 days after the filing of such petition, of the commencement or continuation, and conclusion to the entry of final judgment, of an action which involves a debtor subject to reorganization pursuant to chapter 11 of this title and which was brought by the Secretary of Transportation under section 31325 of title 46 (including distribution of any proceeds of sale) to foreclose a preferred ship or fleet mortgage, or a security interest in or relating to a vessel or vessel under construction, held by