

SO ORDERED



Maria Ellena Chavez-Ruark

MARIA ELLENA CHAVEZ-RUARK
U.S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In re:

PATRICK WAYNE HERBERT
and JASMINE LEE HERBERT,

Debtors.

Case Number: 26-17521-MCR
(Chapter 7)

**ORDER HOLDING JAMES MABRAY IN CONTEMPT, REQUIRING
HIM TO REFUND ALL FEES RECEIVED FROM THE DEBTORS, AND
ENJOINING HIM FROM ACTING AS A BANKRUPTCY PETITION PREPARER**

On July 13, 2026, Patrick Wayne Herbert and Jasmine Lee Herbert (the “Debtors”) commenced the above-captioned proceeding with the filing of a Chapter 7 Petition [Dkt. No. 1]. In response to Part 12 of the Statement of Financial Affairs, which asks if the Debtors paid or agreed to pay a non-attorney to help fill out bankruptcy forms, the Debtors listed James Mabray as the bankruptcy petition preparer (the “Bankruptcy Petition Preparer”). On July 13, 2026, the Bankruptcy Petition Preparer filed two Disclosures of Compensation of Bankruptcy Petition Preparer [Dkt. No. 7] (the “Disclosures of Compensation”). One of the Disclosures of Compensation provides that the Bankruptcy Petition Preparer was paid \$125 and lists the names of both Debtors, and the other provides that the Bankruptcy Petition Preparer was paid \$125 and lists only the name of Debtor Patrick Wayne Herbert. Local Bankruptcy Rule

2016-2(c) provides that a bankruptcy petition preparer's fee not exceeding \$125 is presumed reasonable. In this case, the Court has not been able to discern whether the Bankruptcy Petition Preparer received \$125 or \$250 from the Debtors in connection with preparing the bankruptcy petition.

On July 28, 2026, the Court issued an Order Directing Bankruptcy Petition Preparer to File Amended Disclosure of Compensation [Dkt. No. 17], which directed the Bankruptcy Petition Preparer to file an amended disclosure of compensation clarifying whether he received \$125 or \$250 from the Debtors within fourteen (14) days. The order warned that the Court may require the Bankruptcy Petition Preparer to refund all fees received in connection with the case if he did not timely file the amended disclosure. The Bankruptcy Petition Preparer did not file an amended disclosure or otherwise respond to the order.

On August 18, 2026, the Court issued an Order Directing Bankruptcy Petition Preparer to Refund All Fees [Dkt. No. 19] (the "Refund Order"), which directed the Bankruptcy Petition Preparer to refund all fees he received from the Debtors and file a certification stating the amount, date, and recipient of the refund within fourteen (14) days. Again, the Bankruptcy Petition Preparer did not file a certification or otherwise respond to the Refund Order.

On September 8, 2026, the Court entered an Order Directing Bankruptcy Petition Preparer to Appear and Show Cause Why He Should Not be Further Sanctioned for Failure to Comply with Order Requiring Refund of All Fees [Dkt. No 24] (the "Show Cause Order"). The Show Cause Order directed the Bankruptcy Petition Preparer to appear at a hearing on September 23, 2026, to show cause why the Court should not hold him in contempt and ordered that compliance with the Refund Order would automatically dissolve the Show Cause Order. The Show Cause Order further ordered that if the Bankruptcy Petition Preparer failed to timely comply or respond that the Court may impose additional sanctions and/or issue an injunction

prohibiting him from assisting with or filing bankruptcy cases in this or any other District of the United States. The Bankruptcy Petition Preparer did not respond to the Show Cause Order or timely comply with the Refund Order. On September 23, 2026, the Court held a hearing on the Show Cause Order and the Bankruptcy Petition Preparer failed to appear.

Now, therefore, it is, by the United States Bankruptcy Court for the District of Maryland,

ORDERED, that the Bankruptcy Petition Preparer is hereby held in contempt for failure to comply with the Orders of this Court; and it is further

ORDERED, that the Bankruptcy Petition Preparer shall refund to the Debtors all fees collected in this matter and file a certification that states the amount of such refund, the date thereof, and the person to whom it was paid; and it is further

ORDERED, that the Bankruptcy Petition Preparer is hereby ENJOINED from the following:

1. Acting as a bankruptcy petition preparer (as defined in Section 110(a)(1) of the Bankruptcy Code) in any jurisdiction of the United States;
2. Using or directing any agent, representative, entity, corporation, partnership, association, or structure of any kind or any name, fictitious or otherwise, to act as a bankruptcy petition preparer (as defined in Section 110(a)(1));
3. Accepting any fees for acting as a bankruptcy petition preparer (as defined in Section 110(a)(1)) in any jurisdiction of the United States;
4. Assisting any person or entity in drafting or preparing any petition, schedule, motion, pleading, or other document to be submitted to any court on a debtor's behalf or under a debtor's signature;¹ and

¹ For purposes of this paragraph, the term "assist" includes, in addition to any other action that would constitute assistance under the ordinary usage of the term: (i) the gathering of information for the purpose of drafting or preparing any petition, schedule, motion, pleading, or document to be filed in any court; (ii) the provision to a debtor of a completed petition, schedule, motion, pleading, or document for the purpose of filing the petition, schedule, motion, pleading, or document in any court; and/or (iii) the provision to any person of a form petition, schedule, motion, pleading, or document, obtained via the internet, form book, data bank, or other similar source.

5. Otherwise participating in any form or fashion in any jurisdiction of the United States in the rendering of legal advice or the consultation, consideration, and/or preparation of any petition or document which is contemplated to be filed as or in a case under the United States Bankruptcy Code.

cc: Debtors – Patrick Wayne Herbert and Jasmine Lee Herbert
Chapter 7 Trustee – Cheryl E. Rose
Office of the United States Trustee
Bankruptcy Petition Preparer – James Mabray, 8005 Greenspring Way, Apt. F,
Owings Mills, MD 21117

END OF ORDER