

**FILED**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
AT ROCKVILLE

**MAR 11 1988**

**CLERK'S OFFICE  
U.S. BANKRUPTCY COURT  
DISTRICT OF MARYLAND**

IN RE: :  
: :  
CITY OF CAPITALS, INC. : Case No. 83-A-0532  
: (Chapter 11)  
Debtor :

ORDER GRANTING JUDGMENT AGAINST RONALD J. AND DANA COHEN  
FAMILY LIMITED PARTNERSHIP

At Rockville, Maryland this 11th day of ~~February~~ **MARCH**, 1988:

This matter having been remanded by Order of the United States District Court for the District of Maryland (Smalkin, D.J.), after remand from the United States Court of Appeals for the Fourth Circuit pursuant to a decision affirming, in all respects, the decision of Judge Smalkin of December 9, 1986 reversing the judgment of this Court allowing compound interest on the claim of the Ronald J. and Dana Cohen Family Limited Partnership, the Court having made the following findings:

1. The principal balance due under the Note held by the partnership was \$674,999.99; and
2. The interest due under the Note through December 31, 1984 totaled \$447,934.21; and
3. The late fee due under the terms and conditions of the subject Note (referred to as the First National Bank Note)

**I hereby certify that the foregoing  
is a true copy of the original thereof  
now on file in this office,  
dated this 5th day of April, 1988**

*Ronald J. Cohen*  
-1-



*c-2*

PATROTHMAN, GOLDSTEIN, ROSENBERG & COOPER  
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186

was \$33,747.83 and the total interest chargeable on the late fee through December 31, 1984 was \$22,094.99.

4. The total balance due under the First National Bank Note held by the Ronald J. and Dana Cohen Family Limited Partnership as of December 31, 1984 was \$1,208,777.02;

5. The debtor made payments against the First National Bank Note indebtedness from December 31, 1984 through January 25, 1985, upon the demand of the partnership, totaling \$1,432,798.31; and

6. Pursuant to this Court's Order (docket entry no. 123), the partnership refunded to the debtor the sum of \$2,460.92 on January 2, 1986; and

7. The total amount overpaid as of January 25, 1985 was \$224,021.29; and

7. The debtor is entitled to interest on the amounts overpaid from January 25, 1985 in order to make the debtor whole as to its losses; and

8. Judgment should be entered against the partnership and in favor of the debtor for the full amount of the overpayments, plus accrued interest through the date of judgment;

It is, therefore,

ORDERED, that judgment is entered against the Ronald J. and Dana Cohen Family Limited Partnership for the principal sum of \$221,560.37, plus interest totaling \$68,226.80,

representing the interest due on the amounts overpaid through February 22, 1988, plus per diem interest of \$ 60.70 per day to the date this judgment is entered; and it is

FURTHER ORDERED, that the total judgment balance shall bear interest from the date of judgment at the current <sup>Federal</sup> judgment rate applicable ~~in Maryland~~; and it is

FURTHER ORDERED, that the partnership shall immediately turn over to the debtor the amount represented by the judgment entered hereby.

*Paul Mannes*

Paul Mannes  
Bankruptcy Judge

ENTERED: 3/11/88

cc: Emil Hirsch, Esq.  
Philip J. McNutt, Esq.  
Henri deLozier, Jr., Esq.  
Mark Binstock, Esq.

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INTEREST CALCULATIONS

Principal	\$221,560.37
Interest at 10% per annum	22,156.04
Per diem interest = 10% per annum divided by 365 days =	60.70
January 25, 1985 through February 23, 1988 = 1124 days	
Pre judgment interest = \$60.70 x 1124 =	68,226.88
Continuing per diem through entry of judgment	60.70