

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT**

IN RE:)	CASE No. 16-51646 (JAM)
GARY M. GIBLEN,)	
ANNA MARIE GIBLEN,)	
DEBTORS.)	ECF Nos. 66, 122

ORDER IMPOSING SANCTIONS AFTER REMAND FROM DISTRICT COURT

I. HISTORY OF PROCEEDINGS

On October 25, 2018, an Order to Appear and Show Cause After Remand From District Court was issued by this Court (the “Order to Show Cause After Remand,” ECF No. 122), to address the ruling on the appeal of an Order Granting Relief from Automatic Stay and Imposing Sanctions (the “Order Imposing Sanctions,” ECF No. 66).¹

The Order Imposing Sanctions was issued after a show case hearing held on March 23, 2017 (the “First Show Cause Hearing”). At the conclusion of the First Show Cause Hearing, the Court found that Attorney Charmoy (the Debtors’ counsel), had committed violations of Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011(b). The violations were the intentional failure to disclose in pleadings and arguments advanced to the Court during a hearing held on March 7, 2017,² the following facts: (i) any information concerning the foreclosure action commenced against the Debtors in the Connecticut Superior Court entitled *U.S. Bank Trust NA as Trustee for LSF9 Master Part v. Giblen, Gary M. et al.*, Docket No. FST-

¹ The Order to Appear and Show Cause After Remand from District Court contained a list of pleadings that were filed by, or deemed to be filed by, Attorney Charmoy and Attorney Chorches.

² The matters that were scheduled for hearing on March 7, 2017, were the Objection to Debtors’ Claim of Exemptions signed and filed by Attorney Chorches (the “Objection,” ECF No. 10), the Trustee’s Application to Employ Realtor signed and filed by Attorney Chorches (the “Application to Employ Realtor,” ECF No. 13), and the Response to the Chapter 7 Trustee’s Objection to Debtors’ Claim of Exemptions signed and filed by Attorney Charmoy (the “Response to Objection,” ECF No 20)(collectively, the “Application to Employ Realtor Hearing”).

CV16-6027946-S (the “Foreclosure Action”); (ii) a pre-petition judgment of foreclosure by sale had entered in the Foreclosure Action against the Debtors’ primary residence known as 11 Top O’Hill Road, Darien, Connecticut (the “Property”); and (iii) the sale of the Property had occurred on December 3, 2016, more than two (2) weeks before the Debtors’ Chapter 7 petition was filed. The Court ordered sanctions to be imposed against Attorney Charmoy in the amount of \$8,074.86, to be paid to the Committee appointed in the Foreclosure Action to sell the Property (the “Committee”). The Court took under advisement the issues of whether sanctions should be imposed against Attorney Chorches (the Chapter 7 Trustee), and whether the Debtors' case should be dismissed as a bad faith filing.

On April 3, 2017, Attorney Charmoy timely appealed the Order Imposing Sanctions to the United States District Court for the District of Connecticut (the “District Court”). On April 16, 2018, the District Court issued an Amended Ruling and Order Concerning Appeal from *Sua Sponte* Order Imposing Sanctions (the “Order Concerning the Imposition of Sanctions,” ECF No. 117). The District Court held that there were procedural issues regarding the imposition of sanctions and also held that attorneys’ fees cannot be awarded as *sua sponte* sanctions. The Order Concerning the Imposition of Sanctions vacated the Order Imposing Sanctions and remanded the matter for further proceedings consistent with its Order.³

On December 11, 2018, an evidentiary hearing was held on the Order to Show Cause After Remand (the “Second Show Cause Hearing”). Attorney Charmoy, Attorney Chorches, Gary M. Giblen and Anna Marie Giblen (the “Debtors”), and the Office of the United States Trustee appeared at both the First and Second Show Cause Hearings.

³ The District Court held (i) the Order to Show Cause did not provide adequate notice and an opportunity to be heard because it did not reference all of the documents referred to at the Show Cause Hearing; and (ii) the Bankruptcy Court relied upon two pleadings that were signed by the Chapter 7 Trustee rather than by Attorney Charmoy.

II. FINDINGS OF FACT

In ruling on the Order to Show Cause After Remand, the Court reviewed and considered: (i) all of the pleadings filed in Debtors' case; (ii) the pleadings and arguments advanced at the Application to Employ Realtor Hearing; and (iii) the testimony, evidence, and arguments presented at the First and Second Show Cause Hearings. Upon review and consideration of the foregoing, the Court finds the following:

A. **The deliberate omission of facts.**

The Debtors, through their counsel Attorney Charmoy, filed a Chapter 7 petition on Sunday afternoon, December 18, 2016.⁴ The petition was filed more than two weeks after the Committee had conducted the sale of the Property and less than twenty-four hours before the hearing on the approval of the sale was scheduled to be held in the Foreclosure Action. The filing of the Debtors' petition on Sunday afternoon therefore stayed the hearing on the approval of the sale of the Property scheduled to be held in the Connecticut Superior Court on Monday morning, December 19, 2016.⁵ The sequence and the timing of these events leaves little doubt that the primary purpose of the filing of the petition was to stay the approval of the sale of the Property that had already occurred.

The pleadings filed in the Debtors' case, and the testimony, evidence, and information presented at the First and Second Show Cause Hearings, including the admissions of Attorney Charmoy and Attorney Chorches made under oath during testimony at the First Show Cause Hearing, establish that: (1) Attorney Charmoy knew before the Debtors' case was filed and

⁴ The Debtors filed only the petition and not any of the documents required to be filed by Federal Rule of Bankruptcy Procedure 1007(b), which is often referred to as a "bare bones" petition. The Debtors and Attorney Charmoy signed the petition on December 18, 2018, but Attorney Charmoy testified that he was retained by the Debtors in early December, 2018. Transcript of First Show Cause Hearing at p. 66.

⁵ It is generally true that the filing of a petition results in the imposition of an automatic stay in favor of a debtor, See 11 U.S.C. § 362(a).

Attorney Chorches knew no later than the Section 341 Meeting⁶ that a judgment of foreclosure by sale had entered in the Foreclosure Action and that the sale of the Property had actually occurred prior to the filing of the Debtors' petition;⁷ and (2) neither disclosed any information about the Foreclosure Action or the pre-petition foreclosure sale of the Property to the Court in the Objection, the Application to Employ Realtor, or the Response to Objection. Despite their knowledge, both chose not to disclose these facts in any pleading or in any argument made during the Application to Employ Realtor Hearing.⁸ If the Committee had not appeared at the Application to Employ Realtor Hearing, the Court may never have known about the entry of the judgment of foreclosure by sale or that the Committee actually conducted the sale of the Property before the Debtors' petition was filed. As the Committee noted during the hearing, in her "seventeen (17) years of doing committee work, I had never seen anyone ask to appoint a real estate agent to sell a property" after a Connecticut Superior Court ordered foreclosure sale had actually been conducted.⁹

The failure to disclose that the Connecticut Superior Court had entered a judgement of foreclosure by sale and that the Committee actually conducted the court ordered sale of the Property before the Debtors filed their petition was not a mere omission or a careless mistake, but a deliberate act. In addition to knowing these facts, both Attorney Charmoy and Attorney Chorches each testified that they thought it was "irrelevant" for the Court to know about these

⁶ A Bankruptcy Code Section 341 Meeting of creditors and equity security holders (the "Section 341 Meeting"), is required to be held in every bankruptcy case. In a Chapter 7 case, the Trustee conducts the Section 341 Meeting and examines the debtor about the information contained in the Debtor's Schedules and Statement of Affairs, which includes the debtor's Statement of Intention (Official Form 108).

⁷ Transcript of First Show Cause Hearing, ECF No. 94, at p. 14, p. 15, p. 27, p.28, p.30, p.31, p.88, p.90, p.120,

⁸ Attorney Charmoy also testified that he knew before filing the Debtors' petition that the Debtors had filed two Motion to Reopen the judgment of foreclosure by sale in the Foreclosure Action and that the second Motion had been denied. Transcript of First Show Cause Hearing at p. 88-90.

⁹ Transcript of the Application to Employ Broker Hearing at p. 3.

facts.¹⁰ In reaching this conclusion, it is obvious that both considered these facts and purposely decided to omit them from the pleadings filed and from representations made to this Court in order to try to sell the Property for a higher price.

It is clear that the Chapter 7 petition was filed to stay, and therefore delay, the hearing to approve the sale of the Property conducted by the Committee to try to obtain a better result in this Court. By filing the Debtors' petition and then seeking to hire a real estate broker to sell the Property, Attorney Charmoy and Attorney Chorches were attempting to use this Court for an improper purpose. Attorney Charmoy and Attorney Chorches had several opportunities to correct their conduct and actions before the First Show Cause hearing, but they repeatedly chose not to do so. Instead, both held onto the convenient and unbelievable explanation that such facts were simply "irrelevant."

In addition, Attorney Charmoy's testimony about the failure to include these facts in the Debtors' Schedules and Statements is not credible.¹¹ Attorney Charmoy testified that there was no place in the Schedules and Statements to include these facts and that the answer to Question 9 on the Statement of Affairs requesting information about foreclosure actions was correct. However, whether or not there was a lack of space to provide this information did not excuse or prevent Attorney Charmoy from fulfilling his to duty of candor to the Court. Even if there was not an ability to add the foreclosure judgment and sale facts in the response to Question 9, such

¹⁰ *See* Response of Scott M. Charmoy to Order to Appear and Show Cause, ECF No. 47, at p. 7; Response of Ronald I. Chorches to Order to Appear and Show Cause, ECF No. 48, at p.35; Testimony of Attorney Chorches and Attorney Charmoy set forth in Transcript of First Show Cause hearing at p. 13, p. 92.

¹¹ Attorney Charmoy testified that he helped prepare the Debtors' Schedules and Statements, reviewed them with the Debtors, and confirmed that they were accurate before they were filed on January 2, 2017. Transcript of First Show Cause hearing at p. 67. However, in addition to the fact the fact that the Statement of Intention was signed by the Debtors but contained none of the required information, the Debtors Schedule J "Your Expenses" stated under penalty of perjury that the Debtors had monthly mortgage payment expenses of \$3,933.00 and \$3,234.04, respectively. Although the Debtors signed the Schedule J under penalty of perjury, Mr. Giblen testified at the First Show Cause Hearing that they stopped paying the first mortgage in 2008 and it appears that no payments on the mortgages have been made for several years. Transcript of First Show Cause hearing at p. 168.

information could have been included in the response to Question 10 in the section “Explain what happened” to your property. However, the Debtors and Attorney Charmoy chose not to offer any explanation and instead chose to respond “No” to Question 10.¹² Nowhere in the Debtors’ Schedules and Statements does the word “judgment” appear with regard to the Property. But, in no less than seven places on the Debtors’ Schedule E/F, the Debtors and Attorney Charmoy noted that a “judgment” or “small claims court judgment” had entered in favor of certain unsecured creditors.¹³ Therefore, not only did Attorney Charmoy and the Debtors have the ability to add the foreclosure judgment and sale facts to the Schedules and Statements, they again chose to misrepresent their ability to do so.

The undisputed facts demonstrate that Attorney Charmoy and Attorney Chorches committed violations of the duty of candor to the Court and violations of Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011(b). The violations caused unnecessary delay and needless increase in the cost of litigation in both the Debtors’ case and in the Foreclosure Action and are contained in: (1) the following specific pleadings filed in the Debtors’ case that are signed by Attorney Charmoy, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D), or signed by Attorney Chorches; and (2) the arguments later advocated or the testimony of Attorney Charmoy and Attorney Chorches:

1. The Voluntary Petition dated December 18, 2016, signed by Attorney Charmoy and also deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 1, pg. 6);

¹² Attorney Charmoy testified that during his more than 21 years representing debtors, he has prepared between 400 and 450 petitions. Transcript of First Show Cause Hearing at p. 65-66. He also testified that with respect to Question 9, it was his practice to check the boxes, even though there is an ability to add more information in response to the question. Transcript of First Show Cause Hearing at p. 95.

¹³ See Debtors’ Schedule D, ECF No. 7, at Section 2.4, p.12; Section 2.7, p.13; Schedule E/F at Section 4.1, p. 19 (judgment); Section 4.3, p. 20 (judgment); Section 4.4, p. 20 (judgment); Section 4.6, p. 21 (judgment), Section 4.9, p. 22 (small claims court judgment); Section 4.10, p.22 (judgment); and Section 4.12, p. 23 (judgment).

2. The Statement of Intention dated December 18, 2016, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 7, pg. 45);

3. The Debtors' Exemptions dated December 18, 2016, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 7, pg.9);

4. The Summary of Assets and Liabilities and Schedules dated December 18, 2016, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 7, pg. 1-46);

5. The Debtors' Declaration dated December 18, 2016, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 7, pg. 31);

6. The Debtors' Statement of Financial Affairs dated December 18, 2016, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 7, pg. 39);

7. The Chapter 7 Means Test Calculation dated January 2, 2017, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 8, pg. 12);

8. The Chapter 7 Trustee's Objection to Exemptions dated February 1, 2017, signed by Attorney Chorches (ECF No. 10, pg. 2);

9. The Application to Employ a Realtor dated February 15, 2017, signed by Attorney Chorches (ECF No. 13, pg. 2);

10. The Amended Schedule C dated February 24, 2017, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 19, pg. 5);

11. The Response filed by Attorney Charmoy on behalf of the Debtors regarding the Trustee's Objection to Exemptions dated February 27, 2017, signed by Attorney Charmoy (ECF No. 20, pg. 1);

12. The arguments advanced by Attorney Charmoy and Attorney Chorches as set

forth in the transcript of the Application to Employ Realtor Hearing (ECF No. 32);

13. The Amended Statement of Intention dated March 16, 2017, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 45, pg. 3);

14. The Response of Scott M. Charmoy to Appear and Show Cause As to Why Sanctions Should Not Enter and the Affidavit of Scott M. Charmoy dated March 21, 2017, signed by Attorney Charmoy (ECF No. 47 and 47-1);

15. The Ronald I. Chorches' Memorandum in Response to Order to Show Cause and the Affidavit of Ronald I. Chorches dated March 21, 2017, signed by Attorney Chorches (ECF No. 48 and 48-4);

16. The Amended Schedules E/F, I, and J, filed on March 21, 2017, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 52, pg. 13);

17. The Memorandum Regarding Hearing on Order to Show Cause dated March 21, 2017, signed by Attorney Charmoy (ECF No. 53, pg. 16);

18. The Supplement to Schedule E, dated March 22, 2017, deemed to be signed by Attorney Charmoy pursuant to 11 U.S.C. § 707 (b)(4)(D) (ECF No. 58, pg. 1); and

19. The testimony of Attorney Charmoy and Attorney Chorches set forth in the transcript of the First Show Cause Hearing held on March 23, 2017 (ECF No. 111).

In the Chapter 7 case of *In re Hill*, 377 B.R. 8 (Bankr. D. Conn. 2007), this Court (Dabrowski, J.), was confronted with a situation that is similar to the situation presented here. As was discussed in *Hill*, the numerous unusual circumstances surrounding the filing of the Debtors' petition, the information or lack thereof contained in the Schedules and Statements, and the filing of the Application to Employ Realtor, prove fatal to the credibility of Attorney Charmoy and Attorney Chorches *See Id.* at 19.

Despite the repeated claims that both acted in good faith, all of the evidence is to the contrary. Both Attorney Charmoy and Attorney Chorches admitted that they knew “and were fully cognizant” about the foreclosure by sale and the actual sale of the Property before: (i) the filing of the petition in Attorney Charmoy’s case; and (ii) the 341 Meeting and the filing of the Application to Employ Realtor in Attorney Chorches’ case. *See Id.* at 22. The explanations of Attorney Charmoy and Attorney Chorches in response to the Order to Show Cause that such facts were irrelevant “defy[ies] common sense.” *See Id.* at 20. The only plausible explanation supported by the evidence presented is that Attorney Charmoy and Attorney Chorches did not disclose these facts because both knew the Court would question the retention of a real estate broker to sell property that had already been sold. The sum of these circumstances clearly establish that both were knowing and willful participants in a course of conduct with an “improper purpose.” *See Id.* at 19. As such, the imposition of sanctions is warranted under Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011(b).

B. The failure to file an accurate and complete Statement of Intention and the failure to ensure performance of the Debtors’ Intention as required 11 U.S.C. § 704(a)(3).

The failure to file an accurate and complete Statement of Intention in the Debtors’ case constitutes a violation of Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011(b). Evidence of this violation is established by the failure of Attorney Charmoy to have the Debtors complete, change, amend, or modify the Statement of Intention at any time before the Section 341 Meeting or before the Application to Employ Realtor Hearing. A violation also occurred when Attorney Chorches failed to carry out his duties under Section 704(a)(3) to ensure performance of the Debtors’ stated intentions.

The filing of a Statement of Intention, *the requirement of which is unique and*

integral to the administration of Chapter 7 cases, requires a debtor to explain what it intends to do with property that is collateral for a claim, i.e., a secured claim (emphasis added).¹⁴ Because a debtor must also complete and file a “*Schedule D: Creditors Who Have Claims Secured By Property*,” the information in a completed Statement of Intention should contain most of the same information in a debtor’s Schedule D.¹⁵ Despite these requirements critical to the administration of Chapter 7 cases, and the fact that the Debtors filed a Schedule D in their case, the Debtors’ Statement of Intention contained no information other than the Debtors’ signatures.

The timing surrounding the filing and examination of the incomplete Statement of Intention further establish that both Attorney Charmoy and Attorney Chorches were knowing and willful participants in a course of conduct with an “improper purpose.” *See Id.* at 19. As noted above, the Debtors’ petition was filed on Sunday afternoon, December 18, 2016. The deficient Statement of Intention was filed on January 2, 2017.¹⁶ The Section 341 Meeting was held on January 26, 2017.¹⁷ The Application to Employ the Realtor was filed on February 15, 2017. The Application to Employ Realtor Hearing was held on March 7, 2017. Between January 2, 2017, and March 7, 2017, there was ample time to correct the deficient Statement of Intention. However, not once during this time was the Statement of Intention corrected nor did either Attorney Charmoy or Attorney Chorches inform the Court that all of the critical information required in the Statement of Intention was missing. Instead, with the support of

¹⁴ Due to their extensive experience in Chapter 7 cases, both Attorney Charmoy and Attorney Chorches understand the importance of an accurate and complete Statement of Intention and that a Statement of Intention is only required to be filed in Chapter 7 cases. *See* Affidavit of Scott M. Charmoy, ECF No. 47-1; Affidavit of Ronald I. Chorches, ECF No. 48-4.

¹⁵ The instructions to the Statement of Intention, Official Form 108, state that “To help fill out this form, use the information you have already provided on the following form(s): *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 106D).

¹⁶ All of the Schedules and Statements filed by the Debtors on January 2, 2017 (ECF No. 7), other than the Statement of Intention, contained some information, even if such information was incomplete or incorrect.

¹⁷ Attorney Chorches’ Affidavit states the Section 341 Meeting was held on January 16, 2017 (ECF No. 48 at p.35), but the docket indicates the Section 341 Meeting was scheduled to be held on January 26, 2017 (ECF No. 3).

Attorney Charmoy, Attorney Chorches sought to employ a real estate broker to sell the Property. Furthermore, Attorney Charmoy and the Debtors only amended the Statement of Intention after the Court informed the parties during the March 7th hearing that the Statement of Intention was completely deficient. Attorney Charmoy's testimony that he "inadvertently failed to make sure that the Statement of Intent was completed," is not credible. *See* ECF No. 47-1, Affidavit of Scott M. Charmoy, Transcript of First Show Cause Hearing at p. 67 ("It was a scrivener's error on my part").¹⁸

The failure of Attorney Chorches to ensure that the Debtors performed their intentions as required by 11 U.S.C. § 704(a)(3), and to instead seek to employ a realtor to sell the Property without disclosing the Foreclosure Action or the sale of the Property, also constitute violations of Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011(b).¹⁹ Attorney Chorches' testimony that he did not ask about the Statement of Intention at the Section 341 Meeting (which he is required to do), is an admission that he neglected his duties and is not credible. In addition, his testimony that "I would not have believed, nor do I think applicable law would conclude, that a foreclosure sale, which sale was not confirmed by the Superior Court – would be material to this Court's consideration of the merits of approving the employment of a competent broker to sell the residence," is not supported by any existing law and is not credible. *See* ECF No. 48-4, Affidavit of Ronald I. Chorches.²⁰

¹⁸ Attorney Charmoy also testified that he has been engaged in the practice of law from over 21 years and that the majority of his practice "focused on bankruptcy law, in particular, the representations of Chapter 7, 13 and 11 debtors. *Id.* at p. 1. Furthermore, during the Application to Employ Realtor Hearing, the Court noted to Attorney Charmoy that the Statement of Intent did not contain any information to which he replied, "That would appear to be an oversight, Your Honor, although I'm not sure how that would be filed in this circumstance". Transcript of March 7, 2017, hearing at p.6, p.8-9.

¹⁹ The duties of a Chapter 7 Trustee are listed in 11 U.S.C. § 704(a). Section 704(a)(3), states that the Trustee *shall* ensure that the debtor *shall* perform his intention as specified in Section 521(a)(2)(B) of the Bankruptcy Code. (emphasis added).

²⁰ Attorney Chorches also testified in his Affidavit that he has been engaged in the practice of law for more than 25 years and during that time, for a period of approximately 20 years, he served as a Chapter 7 Trustee in this District. *Id.* at p. 1 and 2. Furthermore, the Application to Employ a Realtor, ECF No. 13, describes the property to be sold

As stated in *Hill*, in determining what sanctions to impose, “the Court must keep in mind Bankruptcy Rule 9011’s central goal of deterrence.” *Id.* at 22, citing *Cooter & Gell v. Hartmarz Corp.*, 496 U.S. 384, 392, 110 S. Ct. 2447, 110 L. Ed. 2d 359 (1990). The actions in the Debtors’ case “visited a disruptive and wasteful effect on the limited resources of this Court and the Court’s docket.” *Id.* The conduct and actions were misleading, intentionally dilatory, and undertaken for an improper purpose. This Court will not condone such conduct and actions in any cases pending before it.

III. CONCLUSIONS OF LAW

Accordingly, it is hereby

ORDERED: As a penalty for the violations of Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011(b) set forth in this Order, which is warranted for the effective deterrence of such violations and to ensure against any future violations, sanctions are imposed against Attorney Charmoy and Attorney Chorches and each shall pay \$750.00 to the United States Bankruptcy Court for the District of Connecticut at or before 4:00 p.m. on February 22, 2019. At or before 4:00 p.m. on February 26, 2019, Attorney Charmoy and Attorney Chorches shall file an affidavit in the Debtors’ case evidencing that payment has been made in accordance with this Order.

Dated at Bridgeport, Connecticut this 31st day of January, 2019.

Julie A. Manning
Chief United States Bankruptcy Judge
District of Connecticut



as a “parcel of real property...” and makes no mention that the property to be sold was the Debtors’ residence.