

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TELEXFREE, LLC,
TELEXFREE, INC. and
TELEXFREE FINANCIAL, INC.,

Debtors.

STEPHEN DARR AS HE IS THE TRUSTEE
OF THE CHAPTER 11 ESTATES OF EACH
OF THE DEBTORS,

Plaintiff,

v.

LEILA TATIANA XAVIER, CHRIS
ARAUJO, JORGE LOPES, ENERSTINA
XAVIER, ATANAZIA XAVIER, VLADMIR
XAVIER, NERIA XAVIER, JAILSON
RAMOS, FRANCISCA XAVIER-DEPINA,
SILVIO MIRANDA, AND IVANILDA
NASCIMENTO,

Defendant(s).

Chapter 11 Cases

14-40987-MSH
14-40988-MSH
14-40989-MSH

Jointly Administered

Adversary Proceeding
No. 16-04030-MSH

JUDGMENT

Upon consideration of the *Motion by Plaintiff for Entry of Default Judgment* (the “Motion”)¹, and due cause appearing to me therefor~~x~~ and due notice of the Motion having been provided, it is hereby ORDERED and ADJUDGED as follows:

1. The Motion is granted.
2. No just reason for delay exists to enter the Judgment as a final judgment against Defendants Leila Tatiana Xavier, Chris Araujo, Jorge Lopes, Enerstina Xavier, Atanazia Xavier,

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.



Vladmir Xavier, Neria Xavier, Jailson Ramos, Francisca Xavier-Depina, Silvio Miranda, and Ivanilda Nascimento (collectively the “Defendants”).

3. Pursuant to the provisions of Rule 7055(b) of the Federal Rules of Bankruptcy Procedure and MLBR 7055-1, final Judgment shall be and hereby is entered on this date, with respect to the complaint (the “Complaint”) filed by of Stephen B. Darr (the “Plaintiff” or “Trustee”), the duly-appointed trustee of the Chapter 11 estates of TelexFree, LLC, TelexFree, Inc., and TelexFree Financial, Inc. (the “Debtors”) initiating this adversary proceeding on or about April 1, 2016, in favor of the Trustee against the Defendants as follows:

- (i) On Count I of the Complaint, judgment enters in favor of the Trustee and any liens asserted by the Defendants are hereby determined invalid against property of the Debtors’ chapter 11 estates pursuant to 11 U.S.C. § 544.
- (ii) On Count II of the Complaint, judgment enters in favor of the Trustee avoiding the Defendants’ attempted perfection of security interests by the filing of the financing statements after the Petition Date pursuant to 11 U.S.C. § 549 (the “Transfers”). The Trustee is hereby entitled to recover, and preserve for the benefit of the Debtors’ chapter 11 estates, the avoided Transfers, or their value, from the Defendants pursuant to 11 U.S.C. §§ 550(a) and 551.
- (iii) On Count III of the Complaint, judgment enters in favor of the Trustee avoiding the Transfers as violations of the automatic stay set forth in 11 U.S.C. § 362.

4. The Court shall retain jurisdiction to enter any further orders necessary for the enforcement of this Judgment.

Dated: September 28, 2018



Honorable Melvin S. Hoffman
Chief United States Bankruptcy Judge