

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:

**Case No.: 8:09-bk-21317-CPM
Chapter 11 Case**

**ROGER DALE PHILLIPS, II, and
REBECCA LYNN PHILLIPS,**

Debtors.

_____ /

**ANTONIO MUNOZ, and
CARMEN MUNOZ**

Plaintiffs,

Adv. Proc. No.: 8:10-ap-1584-CPM

v.

J.B. Vol. 16 #2314

**ROGER DALE PHILLIPS, II, and
REBECCA LYNN PHILLIPS,**

Defendants.

_____ /

**FINAL JUDGMENT FOR DAMAGES AND NONDISCHARGEABILITY
AGAINST ROGER DALE PHILLIPS, II AND REBECCA
LYNN PHILLIPS WITH STAY OF EXECUTION THEREON**

This Adversary Proceeding came before the Court on the Joint Motion by Debtors Roger Dale Phillips, II and Rebecca Lynn Phillips, Antonio Munoz and Carmen Munoz (the "Munozes"), and Fidelity National Title Insurance Company ("Fidelity Title") for Approval of Compromise of Controversy Resolving Adversary Proceeding (the "Stipulation") (Doc. 299 in the Debtors' bankruptcy case). The Court having considered the Stipulation and the pleadings in this adversary proceeding, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Stipulation is hereby approved and adopted.

2. Fidelity Title, whose address is 601 Riverside Avenue, Building 5, 6th Floor, Jacksonville, Florida 32204, is awarded a non-dischargeable judgment for debt under 11 U.S.C. Section 523 in the amount of \$30,000.00 (the “Non-Dischargeable Judgment”) against the Defendants, Roger Dale Phillips, II, Social Security Number XXX-XX-2524, whose last known address is 1608 Haven Bend Tampa, FL 33613 and Rebecca Lynn Phillips, Social Security Number XXX-XX-9869, whose last known address is 1608 Haven Bend Tampa, FL, for which let execution issue

3. The Debtors shall pay the Non-Dischargeable Judgment in seventy-two (72) monthly installment payments commencing thirty (30) days from confirmation of the Debtors’ Plan of Reorganization. The payments shall be made as follows:

- a) Monthly payments of \$333.34 per month for months one (1) through sixty (60);
- b) Monthly payments of \$833.34 per month for months sixty-one (61) through seventy-two (72).

4. Upon receipt of the final payment set forth in Paragraph 3, Fidelity Title shall promptly file a satisfaction of judgment.

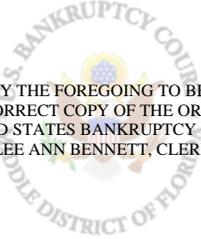
5. In the event of a default on the Non-Dischargeable Judgment payments set forth in paragraph 4 above, Fidelity Title shall provide a written notice to the Debtors. Upon receiving the written notice of default, the Debtors shall have five days to cure said default. In the event that the Debtors fail to cure the default, the stay imposed by Paragraph 4 shall be lifted and Fidelity Title shall be entitled to post-judgment interest at the statutory rate in effect at the time of the default as well as reasonable attorneys’ fees for its post-judgment collection activities;

6. The remaining \$184,335.10 balance of Fidelity’s and the Munozes’ claims shall be treated as general unsecured debt and paid pursuant to the Debtors’ Chapter 11 Plan.

March 09, 2012

DONE and ORDERED in Tampa, Florida, this _____.

I CERTIFY THE FOREGOING TO BE A TRUE
AND CORRECT COPY OF THE ORIGINAL.
UNITED STATES BANKRUPTCY COURT
LEE ANN BENNETT, CLERK



Catherine Peek McEwen

Catherine Peek McEwen
United States Bankruptcy Judge

Copies to: All counsel of record