

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re: Chapter 7  
Case No. 05-15293  
Ludim Munoz

Debtor. /

Stephanie F. Munoz Dorris

Plaintiff,

vs.

Adversary Proceeding  
No. 05-00696

Ludim Munoz

Defendant. /

**JUDGEMENT FOR THE DEFENDANT**

THIS PROCEEDING came on for trial on January 27, 2006, upon a complaint filed by the Debtor's ex-wife ("Plaintiff") against the Debtor-Defendant, Ludim Munoz ("Debtor"), seeking to exclude from discharge under section 523(a)(15) of the Bankruptcy Code certain debts incurred by the Debtor in the course of a divorce proceeding ("Marital Debts").

Section 523(a)(15) of the Bankruptcy Code provides that a debt incurred by the debtor to a former spouse in connection with a divorce decree, other than a debt for alimony, maintenance or child or spousal support, is not dischargeable unless (A) the debtor is unable to pay the debt from income not reasonably necessary for the maintenance or support of the debtor or (B) discharging the debt results in a benefit to the debtor that outweighs the detrimental effect to a former spouse. As a general rule, any exception to dischargeability is strictly construed in favor of the debtor. *Christison v. Christison (In re Christison)*, 201 B.R. 298, 307 (Bankr. M.D. Fla. 1996). However, once it is established that a debt is a marital debt, the burden is on the debtor to show that the debtor does not have the ability to pay or that balancing the

hardships weighs in favor of the debtor receiving a discharge. *Id.* at 308.

Based on the record, including the testimony and the documents received into evidence, the Court finds that the Debtor does not have the ability to pay the Marital Debts and accordingly, the Debtor has met his burden under one of the prongs of section 523(a)(15).

Therefore, for the reasons stated orally and recorded in open court, which shall constitute this Court's finding of fact and conclusions of law for the purposes of Fed. R. Civ. P. 52(a), made applicable to bankruptcy proceedings pursuant to Fed. R. Bank. P. 7052, the court concludes that the Debtor has carried his burden of proof as to the dischargeability of the debt pursuant to section 523(a)(15) and finds for the Debtor and against the Plaintiff with respect to this adversary proceeding. Accordingly, it is

ORDERED and ADJUDGED:

1. Judgment is rendered for the Debtor, Ludim Munoz, and against the Plaintiff, Stephanie F. Munoz Dorris, with respect to all the relief requested in this action.

2. The Marital Debts owed to Plaintiff are declared dischargeable.

3. Both parties shall bear their own costs associated with this lawsuit.

DONE and ORDERED at Tampa, Florida, on January 23, 2006

  
Michael G. Williamson  
United States Bankruptcy Judge

Copies Furnished to:

Plaintiff: Stephanie F. Munoz Dorris, 1430 NW 86<sup>th</sup> Terrace,  
Pembroke Pines FL 33024

Debtor: Ludim Munoz, 17792 Lake Carlton Dr. Apt. D, Lutz,  
FL 33358

Chapter 7 Trustee: Shari Streit Jansen, P.O. Box 50667,  
Sarasota, FL 34232

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