

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

CASE NO. 8:05-bk-30001-KRM

KEVIN M. HOYT and
JULISSA U.HOYT,

Debtor.

MBNA AMERICA BANK USA, N.A.,

Plaintiff,

v.

ADV. PROC. NO. 8:06-ap-00139-KRM

KEVIN M. HOYT and
JULISSA U.HOYT,

Defendant.

FINAL JUDGMENT BY CONSENT

THIS CAUSE came on for consideration, ex parte, for entry of a Final Judgment in the above captioned adversary proceeding. The Court has considered the record and finds that the Debtor entered into a Stipulation with the Plaintiff, thereby consenting to the entry of a Final Judgment under certain conditions set forth in the Stipulation. This Court is satisfied that the Stipulation is fair, therefore, it is appropriate to approve same and, based on the Stipulation, enter a Final Judgment by consent in favor of the Plaintiff, and against the Debtor.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that Final Judgment be, and the same is hereby, entered on the Complaint in favor of MBNA AMERICA BANK USA, N.A., the Plaintiff, and against KEVIN M. HOYT AND JULISSA U. HOYT, the Defendants in the amount of \$7,700.00, and the debt owed by the Debtors to the Plaintiff in the amount of \$7,700.00 is hereby declared to be nondischargeable pursuant to 11 U.S.C. §523(a)(2). It is further

ORDERED, ADJUDGED AND DECREED that pursuant to the Stipulation, the Defendants shall make payment to Plaintiff in the amount of \$3,850.00 to be paid in monthly payments of \$80.20 each, with the first payment to be made June 1, 2006. The remaining payments shall be made on the 1st day of each month thereafter, until such time as the \$3,850.00 due under the Joint Stipulation to Judgment has been paid in full. It is further

ORDERED, ADJUDGED AND DECREED that the Plaintiff shall not place the Judgment in the Public Records and shall not take any steps to collect the debt declared to be nondischargeable by obtaining a Writ of Execution or a Writ of Replevin or levy on any properties of the Debtors as long as the Debtors comply with the repayment terms set forth in the Stipulation. It is further

ORDERED, ADJUDGED AND DECREED that the Plaintiff shall give a Satisfaction of Judgment to the Debtors upon the completion of the payment required by the Stipulation. It is further.

ORDERED, ADJUDGED AND DECREED that in the event the Debtors default on the repayment terms, the Plaintiff is authorized to proceed to enforce the Judgment pursuant to the provisions of the applicable law.

DONE AND ORDERED at Tampa, Florida, on May 16, 2006.


K. RODNEY MAY
U.S. BANKRUPTCY JUDGE

Copies Furnished to:

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