

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE: DARRYL JAVIER SALUSTRO AND
JESSICA PENA-SALUSTRO,

Case No. 8:07-bk-07546-KRM

Debtors.

Chapter 13

FIRST NATIONAL CREDIT CARD CENTER
1620 Doge Street, Stop 3105
Omaha, Nebraska 68197,

A.P. No. 8:07-ap-00541-KRM

Plaintiff,

v.

DARRYL JAVIER SALUSTRO
1974 Fruitridge Street
Brandon, FL 33510,

Defendant.

J.B. VOL.

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CONSENT JUDGMENT EXCEPTING DEBT FROM DISCHARGE

First National Credit Card Center, by its attorney, having filed an Adversary Proceeding seeking an Order pursuant to 11 U.S.C. §523(a)(2)(A) that the Defendant's indebtedness to the Plaintiff is an exception to discharge, with interest from August 22, 2007, plus the Plaintiff's costs and disbursements incurred for the collection of this debt and of this action, and the Defendant, having appeared by his attorney, Kimberly McIntyre, Esq., and the abovementioned parties having subsequently entered into negotiations resulting in the agreement set forth herein, and the Defendant, the Defendant's attorney, and the Plaintiff's attorney,

having consented to the entry of this Judgment, and upon all papers and proceedings had herein, and after due deliberation, it is hereby

ORDERED, DECREED, AND ADJUDGED as follows:

1. Judgment be entered in favor of the Plaintiff and against the Defendant in the sum of \$8,853.31, plus interest at the annual rate of 9% from August 22, 2007,

2. The Judgment shall be nondischargeable pursuant to 11 U.S.C. §523(a)(2)(A) in this or in any subsequent bankruptcy case,

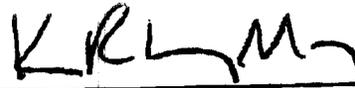
3. Execution of said Judgment shall be stayed unless and until the Defendant fails to pay to the Plaintiff the sum of \$7,200.00 (without interest), payable at \$120.00 a month, to be paid outside the Debtor's present Chapter 13 Plan, with the first payment being due on or before May 1, 2008, and each subsequent payment being due each and every month thereafter until the entire amount set forth in this paragraph has been paid in full;

4. If the Defendant fails to make any of the payments required by the above settlement on a timely basis, the stay of Execution shall be immediately dissolved, and the Plaintiff may forthwith seek to execute upon the total amount of the Judgment, less any payments actually made, using all lawful processes,

5. If the Defendant makes all payments specified in paragraph 3 above, the Judgment will be satisfied in full, and

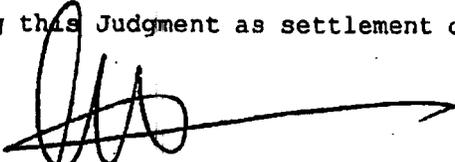
6. The Plaintiff/Creditor shall retain the right to receive its pro-rata dividend on the account balance owed to the Plaintiff at the time of the bankruptcy filing, being paid to unsecured creditors in the Debtor's Chapter 13 Plan.

DATED: April 23, 2008



HONORABLE K. RODNEY MAY
UNITED STATES BANKRUPTCY JUDGE
MIDDLE DISTRICT OF FLORIDA

The parties having reviewed the abovementioned Judgment, consent to this Court entering this Judgment as settlement of this Adversary Proceeding.


/s/ Darryl Javier Salustro 04/04/2008
 Darryl Javier Salustro Date
 Defendant


/s/ Kimberly McIntyre 04/04/2008
 Kimberly McIntyre, Esq. Date
 Attorney for Defendant


/s/ Mark S. Kessler 04/04/2008
 Mark S. Kessler, Esq., #258326 Date
 Attorney for Plaintiff
 331 E. Union Street
 Jacksonville, FL 32202
 Telephone: 904-350-0060
 Facsimile: 904-350-9906
 Email: APKSM@aol.com

End of Order