

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

IN RE:

CASE No.: 6:08-bk-08280-KSJ

JENNIFER DAVIS CUNNINGHAM  
And SCOTT BRADLEY CUNNINGHAM

(Chapter 13)

Debtors.

\_\_\_\_\_  
FIRSTAGAIN, LLC

Adv. Proc. No. 6:08-ap-00217-KSJ

Plaintiff,

vs.

JENNIFER DAVIS CUNNINGHAM  
and SCOTT BRADLEY CUNNINGHAM,

Defendants.  
\_\_\_\_\_

**FINAL JUDGMENT BY CONSENT**

THIS CAUSE came on for consideration, for entry of a final Judgment in the above captioned adversary proceeding. The Court has considered the record and finds that the Defendants entered into a Stipulation (Doc #16) 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 Defendants. Accordingly, it is

ORDERED, ADJUDGED AND DECREED that Final Judgment be, and the same is hereby, entered on the Complaint in favor of the Plaintiff, FIRSTAGAIN, LLC ("FirstAgain") and against the Defendants, JENNIFER and SCOTT CUNNINGHAM in the amount of \$50,000 and this debt being owed by the Cunninghams to FIRSTAGAIN

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is hereby declared to be non-dischargeable pursuant to 11 U.S.C. §523(a)(2)(A) and (a)(2)(B). It is further

ORDERED, ADJUDGED AND DECREED that pursuant to the Stipulation, the Cunninghams are to make monthly installments of \$833.35 per month for sixty (60) months to FIRSTAGAIN. The final payment shall be due on the first day (the 1<sup>st</sup>) of the month following the date of the Cunninghams' discharge - - whether under 11 U.S.C. § 1328 or discharge under another chapter - - is entered, and payments shall continue and be due on the first day of each consecutive month thereafter until the Judgment Amount is paid in full. In the event of a default of any single payment set forth herein and in the Joint Stipulation of Judgment, the full outstanding indebtedness of \$50,000.00, subtracted by any payments already made (the "Default Amounts"), shall be accelerated and due and owing upon said default, and FIRSTAGAN, without notice, shall be entitled to entry of a final judgment for the Default Amounts upon the filing of an affidavit by its counsel of record, evidencing the default, and shall be further entitled to an award of reasonable attorney's fees and costs incurred as a result of a default.

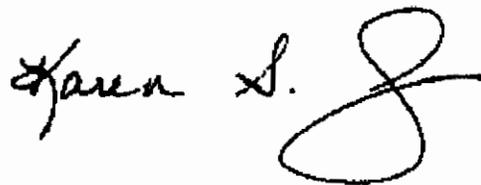
It is further ORDERED, ADJUDGED AND DECREED that FIRSTAGAIN shall not take any steps to collect the debt declared to be non-dischargeable by obtaining a Writ of Execution or a Writ of Replevin or levy on any properties of the Cunninghams as long as the Cunninghams comply with the repayment terms set forth in the Stipulation.

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

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

It is further ORDERED, ADJUDGED AND DECREED that FIRSTAGAIN retains the right to receive its pro rata distribution on its allowed claim under the Defendants' Chapter 13 Plan based upon the full amounts of its claim(s) and its claim(s) will not be reduced or affected by this Stipulation.

DONE AND ORDERED in Orlando, Florida, on February 5, 2010.



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HONORABLE KAREN S. JENNEMANN  
U.S. BANKRUPTCY JUDGE

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