

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

In re:

DAVID PATRICK NASSIF,

Debtor.

Case No. 6:04-bk-05593-ABB

Chapter 7

MERRILL LYNCH COMMERCIAL
FINANCE CORP.,

Plaintiff,

Adv. Pro. No. 6:04-ap-00180-ABB

vs.

DAVID PATRICK NASSIF, *et al.*,

Defendants.

ORDER AND JUDGMENT

This matter came before the Court on the Motion for Final Summary Judgment Against Defendant David Nassif (Doc. No. 105) ("Motion") filed by Merrill Lynch Commercial Finance Corp., assignee of interest of Merrill Lynch Business Financial Services, Inc., the Plaintiff herein ("Plaintiff"), with an address of 222 North LaSalle Street, 17th Floor, Chicago, Illinois, 60601. Plaintiff seeks a final monetary judgment against David Patrick Nassif, the Debtor and a Defendant herein ("Nassif"), with an address of 14544 Braddock Oak, Orlando, Florida 32837. A hearing was held on February 27, 2007 at which counsel for the Plaintiff and counsel for Nassif appeared.

Plaintiff filed a six-count Complaint (Doc. No. 1) against Nassif, his wife Theresa Nassif, and certain entities related to the Nassifs. A Final Default Judgment in the amount of \$817,514.33 was entered against Theresa Nassif and in favor of Plaintiff on

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October 10, 2007 (Doc. Nos. 97, 98). Summary judgment on Count IV of the Complaint was entered on December 12, 2007 (Doc. Nos. 101, 102) in favor of Plaintiff and against Nassif denying his discharge pursuant to 11 U.S.C. Section 727(a).

Plaintiff seeks the entry of a final monetary judgment against Nassif in the amount of \$817,514.33 representing Nassif's and Theresa Nassif's joint indebtedness owed to Plaintiff. Plaintiff established Nassif and Theresa Nassif jointly and severally owe a debt of \$817,514.33 to Plaintiff. Plaintiff's Motion is due to be granted.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that Plaintiff's Motion (Doc. No. 105) is hereby **GRANTED**; and it is further

ORDERED AND ADJUDGED and DECREED that **JUDGMENT** is hereby entered in favor of Plaintiff Merrill Lynch Commercial Finance Corp., assignee of interest of Merrill Lynch Business Financial Services, Inc., and against David Patrick Nassif in the amount of \$817,514.33, with such judgment amount constituting a joint and several debt with Theresa Nassif pursuant to Doc. Nos. 97 and 98, and with post-judgment interest to accrue at the post-judgment rate pursuant to 28 U.S.C. Section 1961; and it is further

ORDERED, ADJUDGED and DECREED that for the foregoing sum let execution issue forthwith; and it is further

ORDERED, ADJUDGED and DECREED that counsel for Plaintiff, within seven (7) days of the entry of this Order, shall file with the Court a statement setting forth whether a final evidentiary hearing is to be set on the remaining counts of the Complaint (Counts I, II, III, V, and VI) or if this Adversary Proceeding is due to be closed.

Dated this 26th day of March, 2008.



ARTHUR B. BRISKMAN
United States Bankruptcy Judge