

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

IN RE: PAMELA ANNE GARCIA  
a/k/a PAMELA A. KAUTEN,

DEBTOR.

\_\_\_\_\_/   
AMERICAN EXPRESS CENTURION BANK,

PLAINTIFF,

vs.

PAMELA ANNE GARCIA  
a/k/a PAMELA A. KAUTEN,

DEFENDANT.

\_\_\_\_\_ /

CHAPTER 13

BANKR. NO. 8:10-bk-30222-CPM

HON. CATHERINE PEEK McEWEN

ADV. PROC. NO. 8:11-ap-00326-CPM

JB Vol. 15, #2241

**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 Debtor entered into a Joint Stipulation to Judgment in Settlement of Adversary Proceeding (Doc # 5) with the Plaintiff, thereby consenting to the entry of a Final Judgment under certain conditions set forth in the Joint Stipulation. This Court is satisfied that the Joint Stipulation is fair, therefore, it is appropriate to approve same and, based on the Joint 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 American Express Centurion Bank, the Plaintiff, and against Pamela Anne Garcia a/k/a Pamela A. Kauten, the Defendant in the sum of \$10,274.28, plus interest, and the debt owed by the Debtor to the Plaintiff in the sum of \$10,274.28 is hereby declared to be non-dischargeable pursuant to 11 U.S.C. §523(a)(2)(A) and §523(a)(2)(C). It is further

ORDERED, ADJUDGED AND DECREED that pursuant to the Joint Stipulation, the Defendant may satisfy her obligation by payment of \$7,000.00 at zero (0%) percent interest (“Settlement Amount”), payable as follows: \$194.00 per month for thirty-five (35) consecutive months, followed by one (1) final payment of \$210.00 in the thirty-sixth (36<sup>th</sup>) month. The first monthly payment of \$194.00 shall be due on the first (1<sup>st</sup>) day of the first (1<sup>st</sup>) month following the date the Defendant’s discharge is entered under any section of the Bankruptcy Code. All remaining payments shall be due on or before the first (1<sup>st</sup>) day of each subsequent month thereafter until the Settlement Amount due under the Joint Stipulated 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 non-dischargeable by obtaining a Writ of Execution or a Writ of Replevin or levy on any properties of the Debtor as long as the Debtor complies with the repayment terms set forth in the Joint Stipulation. It is further

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

ORDERED, ADJUDGED AND DECREED that in the event the Debtor defaults 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 in Tampa, Florida, on August 10, 2011.



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CATHERINE PEEK McEWEN  
U.S. BANKRUPTCY JUDGE

Copies furnished to:

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