

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

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IN RE: JAMES EDWIN MERCER AND  
DIANE PADGETT MERCER,

Case No. 3:09-bk-05147-PMG

Debtors.

Chapter 7

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FIRST NATIONAL BANK OF OMAHA  
1620 Dodge Street, Stop 3105  
Omaha Nebraska 68197

A.P. No. 3:09-ap-00542-PMG

Plaintiff,

v.

DIANE PADGETT MERCER  
11707 Raindrop Road  
Jacksonville FL 32219

Defendant.

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**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 Defendant entered into a Stipulation (Doc # 9) 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 Defendant.

Accordingly, it is

I certify the foregoing to be true  
and correct copy of the original.

CLERK OF COURT  
U. S. BANKRUPTCY COURT

By: Joseph Craft

Dated: June 2, 2010

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA,  
JACKSONVILLE DIVISION

53 NO. 7356

12

**ORDERED, ADJUDGED AND DECREED**, that Final Judgment be, and the same is hereby, entered on the Complaint in favor of First National Bank of Omaha, the Plaintiff, and against Diane Padgett Mercer, the Defendant in the amount of \$21,444.09, plus 5% interest from June 24, 2009, and the debt owed by the Defendant to the Plaintiff in the amount of \$21,444.09, plus 5% interest from June 24, 2009, is hereby declared to be non-dischargeable pursuant to 11 U.S.C. Section 523(a)(2). It is further

**ORDERED, ADJUDGED AND DECREED**, that pursuant to the Stipulation, the Defendant shall make payment to Plaintiff in the amount of \$14,000.00 (without interest), to be paid in monthly payments of \$75.00 each for the first ten months and \$240.00 a month thereafter, with the first payment to be made by June 1, 2010. The remaining payments shall be made on the first day of each month thereafter, until such time as the \$14,000.00 (without interest) 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 non-dischargeable by obtaining a Writ of Execution or a Writ of Replevin or levy on any properties of the Defendant as long as the Defendant complies 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 Defendant upon the completion of the payment required by the Stipulation. It is further.

**ORDERED, ADJUDGED AND DECREED**, that in the event the Defendant 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**, at Jacksonville, Florida, on June 2, 2010.

*Paul M. Glenn*

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**HONORABLE PAUL M. GLENN**  
CHIEF UNITED STATES BANKRUPTCY JUDGE

Copies furnished to:

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