UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE: CASE NO. 6:08-bk-08464-ABB

JUAN D MARTE,

Debtor.
_____/

MBNA AMERICA BANK,

Plaintiff,

v. ADV. PROC. NO. 6:08-ap-00238-ABB

JUAN D MARTE,

Defendant.
_____/

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 Debtor 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 Debtor.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that Final Judgment be, and the same is hereby, entered on the Complaint in favor of MBNA AMERICA BANK, the Plaintiff, and against JUAN D MARTE, the Defendant in the amount of $4,500.00, and the debt owed by the Debtor to the Plaintiff in the amount of $4,500.00 is hereby declared to be non-dischargeable pursuant to 11 U.S.C. §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 $2,750.00, at 0% interest, to be paid in monthly payments of $75.00 each, with the first payment to be made March 15, 2009. The remaining payments shall be made on the 15th day of each month thereafter, until such time as the $2,750.00 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 Debtor as long as the Debtor 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 Debtor upon the completion of the payment required by the 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 at Orlando, Florida, on March 12, 2009.

ARTHUR B BRISKMAN
U.S. BANKRUPTCY JUDGE

Copies Furnished to:

Juan D Marte
4518 Caladium Ct
Kissimmee FL 34758

David Dowell, Esq
5036 Dr Phillips Blvd Ste 245
Orlando FL 32819

Gary J Lublin, Esq
109 E Church St 5th fl – POB 3146
Orlando FL 32802-3146

Marie E Henkel, Trustee
c/o Sean D Concannon, Esq
PO Box 915875
Longwood FL 32791

US Trustee – ORL7
135 W Central Blvd Ste 620
Orlando FL 32801