

J.B. Vol. 14
1855

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE: ANN M. RESLER,

Debtor.

Case No. 8:08-bk-15936-MGW

Chapter 7

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

Plaintiff,

A.P. No. 8:09-ap-00014-MGW

Related Document:
Docket Entry No. 1

v.

ANN M. RESLER
701 Martin Lane
Poinciana, FL 34759,

Defendant.

CONSENT JUDGMENT EXCEPTING DEBT FROM DISCHARGE

First National Bank of Omaha, by its attorney, having filed an Adversary Proceeding Complaint (Docket Entry No. 1), seeking an Order pursuant to 11 U.S.C. §523(a)(2)(A) that the Defendant's indebtedness to the Plaintiff is an exception to discharge, with interest from October 13, 2008, plus the Plaintiff's costs and disbursements incurred for this action, and the Defendant, having appeared by her attorney, Deborah J. Higgins, Esq., and the abovementioned parties having subsequently entered into negotiations resulting in the agreement set forth herein, however, the entering into this settlement shall not be deemed an admission of any fraud or wrongdoing by the Defendant, and upon all papers

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and proceedings had herein, and after due deliberation, it is hereby

ORDERED, DECREED, AND ADJUDGED as follows:

1. Judgment be entered in favor of the Plaintiff and against the Defendant in the sum of \$10,129.28, plus interest at the annual rate of 9% from October 13, 2008,

2. The Judgment shall be nondischargeable pursuant to 11 U.S.C. §523(a)(2)(A), and will survive any Order of discharge in this and any subsequent bankruptcy case,

3. Execution of said Judgment shall be stayed unless and until the Defendant fails to pay to the Plaintiff the sum of \$7,000.00 (without interest), with an initial payment of \$3,800.00 by April 15, 2009, and the balance payable at \$100.00 a month, with the first monthly payment being due by May 15, 2009, and each subsequent payment being due by the fifteenth day of each and every month thereafter until the entire amount set forth in this paragraph has been paid in full; Although the due date for each monthly payment is the fifteenth day of each month, the Defendant shall have until the thirtieth day of each month to make the monthly payment; The Defendant shall have the right to prepay at any time, without penalty, the unpaid balance of the settlement amount set forth in this paragraph,

4. If the Defendant fails to make any of the payments within fifteen days of the dates specified in paragraph 3 above, the Stay of Execution shall be immediately dissolved, and the Plaintiff may forthwith seek to execute upon the total amount of the Judgment, less any payments actually made, using all lawful processes, and

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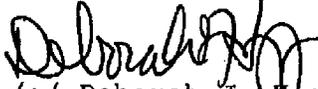
5. If the Defendant makes all payments specified in paragraph 3 above, the Judgment will be satisfied in full.

✓ **DONE AND ORDERED**, in Tampa, Florida on March 16, 2009.



HONORABLE MICHAEL G. WILLIAMSON
UNITED STATES BANKRUPTCY JUDGE
MIDDLE DISTRICT OF FLORIDA

The parties, by their attorneys, having reviewed the abovementioned Judgment, consent to this Court entering this Judgment as settlement of this Adversary Proceeding.



/s/ Deborah J. Higgins
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** This adversary is closed.* 

/s/ Mark S. Kessler
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End of Order

Copies to be served on:

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