

UNITED STATES BANKRUPTCY COURT
Northern District of Florida

IN RE:

MICHAEL LEE BANKS and
SHEILA DIANE BANKS
DEBTORS

BANKRUPTCY CASE NO. 04-31614

WILLIAM D. HARRIS,
PLAINTIFF,

ADVERSARY NO.: 04-03033

v.

MICHAEL LEE BANKS and
SHEILA DIANE BANKS
DEFENDANTS.

**ORDER GRANTING MOTION FOR DEFAULT FINAL JUDGMENT
AND DEFAULT FINAL JUDGMENT**

_____This Court, having considered the Plaintiff's Motion for Entry of Order Granting Default Final Judgment and Affidavit of Non-Military Service and Proof of Indebtedness, finds that the Defendants were timely served with the Summons and Complaint to Determine Dischargeability and/or Exception to Discharge of Debt by private process server Mark Clark, that the Defendants failed to file responsive pleadings within the time required, and that the Plaintiff is entitled to entry of a Default Final Judgment; therefore it is,

ORDERED AND ADJUDGED as follows:

1. That the Plaintiff William D. Harris is entitled to recover monies paid by him to the Defendants Michael Lee Banks and Sheila Diane Banks, husband and wife, to apply to the purchase

Page 1 of 3

I HEREBY CERTIFY that this is a true and correct copy of the original on file in the office of the Clerk, United States Bankruptcy Court for the Northern District of Florida.

WILLIAM W. BLEVINS, Clerk, Bankruptcy Court

By W. W. Blevins
Deputy Clerk

of the Defendants' real property at 3406 North 6th Street, Pensacola, Florida, which was frustrated and never closed between the Plaintiff and Defendants.


2. That the indebtedness owing by the Defendants to the Plaintiff is excepted from discharge of the Defendants' Chapter 7 Bankruptcy proceedings.

3. That the real estate agreement, Paragraph "L", attached and incorporated into the Plaintiff's Complaint herein provides for recovery of reasonable attorney fees and costs for the prevailing party; Plaintiff is the prevailing party herein.

4. That the Plaintiff **William D. Harris**, whose address is 2401 W. Herman Street, Pensacola, FL 32505, shall recover from the Defendants **Michael Lee Banks and Sheila Diane Banks, husband and wife**, whose last known residence address where they were served with process is 8121 Lillian Highway, Unit #80, Pensacola, FL 32506, the total sum of **\$13,639.70**, representing \$10,000.00 principal indebtedness, \$630.30 of accrued statutory interest on the principal at \$1.91 per diem on said \$10,000.00 for 330 days from April 7, 2004, to March 4, 2005, \$328.50 of Court Costs, and reasonable attorney fees in the amount of \$2,680.90, together with post judgment statutory interest as allowed by Florida law at 7% simple interest on said total sum from the date of judgment until paid in full.

5. Execution shall issue for the recovery of the indebtedness evidenced by this Default Final Judgment.

Dated: March 10, 2005


WILLIAM S. SHULMAN
U.S. BANKRUPTCY JUDGE

Copies furnished to:
Edmund W. Holt, Esq.,
Attorney for Plaintiff

Sherri Chancellor, Trustee

Michael Lee Banks, Defendant
8121 Lillian Highway, Unit #80
Pensacola, FL 32506

Sheila Diane Banks, Defendant
8121 Lillian Highway, Unit #80
Pensacola, FL 32506