

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

IN RE:

WINSTON JACKSON DELONEY,

Debtor,

NCP BAYOU 2, LLC,

Plaintiff,

v.

WINSTON JACKSON DELONEY,

Defendant.

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CASE NO. 1:18-50111-KKS

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CHAPTER 7

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ADV. CASE NO. 18-05006

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SATISFACTION AND CANCELLATION OF CONSENT JUDGMENT

Personally, appeared before me, the undersigned officer duly authorized to administer oaths, Andrea L. Pawlak, Esq., as follows:

1. My name is Andrea L. Pawlak. I am an attorney authorized to practice law in the State of Georgia. My Georgia Bar Number is 142541. I have been admitted *pro hac vice* in this matter. I am over the age of majority

and am legally and mentally capable of making this affidavit. I have personal knowledge of the matters set forth herein. I am counsel for Plaintiff NCP Bayou 2, LLC ("NCP").

2. On July 6, 2011, the State Court of Gwinnett County, Georgia, entered an Order Granting Default Judgment ("Judgment"). The Judgment was assigned to RES-GA Loganville, LLC then assigned to NCP.
3. On or about May 22, 2019, NCP and Deloney entered into a Settlement Agreement regarding the outstanding balance of the Judgment. As part of the Settlement Agreement, NCP and Deloney entered into the Consent Judgment filed in this matter on August 8, 2019 [Doc. 50]. NCP and Deloney entered into a First Amendment to Settlement Agreement on or about April 1, 2021.
4. Deloney has paid the settlement amount in full on or about April 5, 2021.
5. As such, NCP hereby marks the Consent Judgment **satisfied in full and cancelled.**

[Signature on the following page]

FURTHER AFFIANT SAYETH NOT.

Andrea L. Pawlak

ANDREA L. PAWLAK

Sworn to and subscribed before
me
this 7th day of April, 2021.

[Signature]

Notary Public (Seal)

My commission expires: _____



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.

TRACI ABRAMS, Clerk, Bankruptcy Court

By Carolyn Romine
Deputy Clerk

CERTIFICATE OF SERVICE

This is to certify that on April 7, 2021, the foregoing **Satisfaction and Cancellation of Consent Judgment** was filed using the CM/ECF system, and, according to the CM/ECF notice, the CM/ECF system sent notification of such filings to the parties listed below

Ethan Andrew Way, Esq.
ethan@waylawfirm.com
Attorney for Winston Jackson Deloney

Mary W. Colon, Esq.
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Chapter 7 Trustee

United States Trustee
USTP.Region21@usdoj.gov

/s/ Andrea L. Pawlak
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Counsel for Creditor, NCP Bayou 2, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

IN RE:	*	
	*	CASE NO. 1:18-50111-KKS
WINSTON JACKSON DELONEY,	*	
	*	CHAPTER 7
Debtor,	*	
NCP BAYOU 2, LLC,	*	
	*	ADV. CASE NO. 18-05006
Plaintiff,	*	
	*	
v.	*	
	*	
WINSTON JACKSON DELONEY,	*	
	*	
Defendant.	*	

CONSENT JUDGMENT

On or about November 5, 2018, NCP Bayou 2, LLC (“NCP”) filed a Complaint Objecting to Debtor’s Discharge of Debt Under 11 U.S.C. §§ 727(a)(2)(B), (a)(3), and (a)(4) [Doc. No. 1] (“Complaint”). NCP has since amended the Complaint to assert a claim under 11 U.S.C. § 523(a)(2)(B). NCP further objected to certain exemptions claimed by the debtor, Winston Jackson Deloney (“Deloney”).

NCP avers that its judgment against Deloney in the State Court of Gwinnett

County, Georgia, Civil Action File No. 10-c-14422-S4 (the “Judgment”) in the amount of \$6,308,777.95 plus interest that has accrued and continues to accrue thereon, as set forth in the Complaint and Ex. 1 thereto, is non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2)(B) and as such, should be excepted from discharge. NCP and Deloney (together, the “Parties”) have consented to the entry of this Consent Judgment based upon the terms provided herein.

THE COURT HEREBY ORDERS AND ADJUDGES, as follows:

1. A judgment is granted in favor of NCP and against Deloney in the amount of the Judgment, that being \$6,308,777.95, plus interest that has accrued and continues to accrue thereon, as set forth in the Complaint and Ex. 1 thereto, and said amount is non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(2)(B) and, as such, is excepted from discharge in this case and any case filed under Title 11 of the United States Code.

2. NCP has abandoned and discontinued pursuit of Counts I, II, and III of the Complaint seeking to deny Debtor’s discharge under 11 U.S.C. §§ 727(a)(2)(B), (a)(3), and (a)(4), respectively.

3. NCP shall be entitled to enforce and collect the full outstanding amount of the Judgment and shall be entitled to all collection remedies available under applicable law.

4. NCP is authorized to obtain a Writ of Execution for this Consent

Judgment, and upon proper request to the Clerk, NCP may record this Consent Judgment as a lien on any and all real and personal property, and the automatic stay is hereby modified to allow NCP's efforts to liquidate and foreclose its collateral interests which are not assets of this Estate.

5. To the extent required, the Parties further agree, and the Court further orders, that the automatic stay is lifted to allow NCP to submit a consent order renewing or reviving the judgment in the State Court of Gwinnett County, Georgia and to take any and all other further actions deemed necessary by NCP to enforce and collect upon the Judgment.

DONE AND ORDERED on August 8, 2019.



THE HONORABLE KAREN K. SPECIE
UNITED STATES BANKRUPTCY JUDGE

Order prepared by:
Douglas A. Bates, Esq.

Attorney Douglas A. Bates shall serve this document pursuant to the applicable Rules and file a certificate of service within three (3) days.

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.

TRACI ABRAMS, Clerk, Bankruptcy Court

By Carolyn Romine
Deputy Clerk

CONSENTED TO BY:

s/ Douglas A. Bates

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s/ Ethan Andrew Way

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