

**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,	*	
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	*	
NCP BAYOU 2, LLC,	*	
	*	ADV. CASE NO. 18-05006
Plaintiff,	*	
	*	
v.	*	
	*	
WINSTON JACKSON DELONEY,	*	
	*	
Defendant.	*	
	*	
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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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