

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
At Rockville

In Re:	*	
	*	
CAROL JEAN SMITH	*	Case No. 85-4-1121
	*	Chapter 7
Debtor.	*	
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PHYSICIANS EQUIPMENT SUPPLY, INC.	*	
	*	
Plaintiff,	*	
	*	
v.	*	Adversary No. 86-0112A
	*	
CAROL JEAN SMITH	*	
	*	
Defendant.	*	
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FILED
'AUG 18 1992

CONSENT JUDGMENT

U.S. Bankruptcy Court
Rockville, Maryland

The parties, as evidenced by their signatures hereon, have stipulated and agreed to this Consent Judgment. It is therefore, by the Court, this 18th day of August, 1992:

ORDERED AND ADJUDGED that Judgment be entered in favor of the Plaintiff, Physicians Equipment Supply, Inc., and against the Defendant/Debtor, Carol Jean Smith, in the amount of Seventy Thousand Dollars (\$70,000), plus post Judgment interest at the legal rate, and costs of this proceeding; and it is further

ORDERED AND ADJUDGED that this Judgment be, and the same hereby is, declared non-dischargeable pursuant to §523 of the Bankruptcy Code; and it is further

ORDERED that Plaintiff shall not take any enforcement action whatsoever upon this Judgment, nor shall Plaintiff docket this Judgment in any other Court, unless and until Financial Industries, Inc., its successors and/or assigns, or any person or

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CHARTERED
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entity claiming by, through, or under Financial Industries, Inc. assets any claim against Plaintiff for any act or transaction arising out of, or which were a consequence to, the transaction between the Plaintiff and the Defendant herein; and it is further

ORDERED that Plaintiff shall not seek to enforce this Judgment against Defendant for more than the amount of any Judgment entered against the Plaintiff in favor of Financial Industries, Inc.; and it is further

ORDERED that in the event such claim is made against Plaintiff, upon the filing of an Affidavit by Plaintiff or its counsel to that effect, Plaintiff shall be permitted, without further Order of the Court, to pursue any and all remedies, post-Judgment or otherwise, afforded to Plaintiff under the laws of any State or the United States; provided that together with the Affidavit, Plaintiff shall request the Court to amend the amount of the Judgment to reflect the amount of the claim made against Plaintiff, and provided further that Plaintiff's rights to proceed against Defendant shall be conditioned on Plaintiff's timely assertion of the statute of limitations as a defense against any claim asserted against Plaintiff and a ruling against Plaintiff on the statute of limitations defense; and it is further

ORDERED that in the event no claim is made by Financial Industries, Inc. against Plaintiff within two (2) years from the date of this Order, the Judgment entered herein shall be deemed released and vacated, and Plaintiff shall file a release of the

Judgment if required by the Court or applicable law to effectuate the formal release of the Judgment.

ENTERED: 8-18-92

Paul Manner
Judge, United States Bankruptcy Court
for the District of Maryland

AGREED AND CONSENTED TO:

GOREN & HOFBERG

By: Steven H. Hoffberg
Steven H. Hoffberg
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Counsel for Physician
Equipment Supply, Inc.

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ROSENBERG & COOPER, CHTD.

By: Wendelin I. Lipp
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(301) 656-7603
Counsel for Carol Jean Smith

Carol Jean Smith
Carol Jean Smith
Defendant

cc: Wendelin I. Lipp, Esquire
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