

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE: KEVIN LOGGINS

BK.NO. 96-05310-TOM-7

AP.NO. 96-00496

CERTIFICATE OF JUDGMENT

PLAINTIFF: SOUTHTRUST BANK OF ALABAMA, NATIONAL ASSOCIATION
vs.

DEFENDANT: KEVIN LOGGINS

ADDRESS:
P.O. BOX 9500
TEXARKANA, TX 75505

ADDITIONAL DEFENDANTS:

ADDRESS:

Inst # 1997-10145
04/02/1997-10145
03:16 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
23.50
007 SNA

I, William C. Redden, Clerk of the above named Court hereby certify that on MARCH 18, 1997 plaintiff, SOUTHTRUST BANK OF ALABAMA, NATIONAL ASSOCIATION recovered of defendant(s) in said Court a judgment (with)(without) waiver of exemptions for the sum of \$ 42,064.13 Dollars plus \$ -0- court costs and that LAUREN E. WAGNER is plaintiff's attorney of record.

Given under my hand this date APRIL 1, 1997.

WILLIAM C. REDDEN, CLERK
UNITED STATES BANKRUPTCY COURT

By Chris M. Callies
Deputy Clerk

Seal of the U.S. Bankruptcy Court
Date of Issuance: APRIL 1, 1997

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In re:

KEVIN LOGGINS,

Debtor.

Case No. 96-05310-TOM-7
Chapter 7

SOUTHTRUST BANK OF ALABAMA,
NATIONAL ASSOCIATION, a national
banking corporation,

Plaintiff,

v.

KEVIN LOGGINS,

Defendant.

A.P. No. 96-00496

FILED

MAR 8 1997

Clerk, U.S. Bankruptcy Court
Northern District of Alabama
By: Deputy Clerk

NONDISCHARGEABLE JUDGMENT

Consistent with the Consent Order entered in the above proceeding contemporaneously herewith, a nondischargeable judgment hereby is entered against Kevin Loggins and in favor of SouthTrust Bank of Alabama, National Association in the total amount of \$42,064.13. Pursuant to 11 U.S.C. § 523(a) the entire amount of this judgment is excepted from the bankruptcy case of Kevin Loggins, any discharge granted therein or pursuant thereto, and any discharge granted to Kevin Loggins in or pursuant to any other case under the Bankruptcy Code.

DONE this 18th day of March, 1997

Tamara O. Mitchell

TAMARA O. MITCHELL
United States Bankruptcy Judge

xc: Lauren E. Wagner, Atty. for Plaintiff
Phillip Bahakel, Attv. for Defendant

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
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In re:

KEVIN LOGGINS,

Debtor.

Case No. 96-05310-TOM-7
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NATIONAL ASSOCIATION, a national
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Plaintiff,

v.

KEVIN LOGGINS,

Defendant.

A.P. No. 96-00496

FILED

18 1997

Clerk of the Court
Notary Public
By *[Signature]*
Deputy Clerk

CONSENT ORDER

THIS MATTER came before the Court by way of the Complaint to Determine Dischargeability of Debts Under 11 U.S.C. § 523(a) filed by SouthTrust Bank of Alabama, National Association ("SouthTrust") on November 4, 1996. The parties having stipulated to a nondischargeable judgment on the terms and conditions set forth below, the Court being satisfied that the terms of the stipulation are fair and reasonable, and based upon the pleadings of record, the arguments and representations of counsel, and for good cause shown, the Court hereby **FINDS, DETERMINES and CONCLUDES** as follows:

1. Kevin Loggins (the "Debtor") filed a voluntary petition for relief under chapter 7 of title 11, United States Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code") on August 2, 1996. SouthTrust filed the instant adversary proceeding to determine the

dischargeability of debts under Section 523(a) of the Bankruptcy Code. The Court has jurisdiction over the adversary proceeding pursuant to 28 U.S.C. § 1334(b). The adversary proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(I).

2. Over a period of time beginning on December 20, 1994, and continuing until June 7, 1995, the Debtor knowingly and willingly executed a scheme to defraud SouthTrust, whereby he deposited checks into his personal account at SouthTrust over the forged and unauthorized endorsement of his employer, Health Science Products, Inc. ("HSP").

3. HSP is a debtor-in-possession in a separate case pending before this Court under chapter 11 of the Bankruptcy Code. On June 15, 1995, HSP filed an adversary proceeding against the Debtor, AP No. 96-00272. SouthTrust intervened in AP No. 95-00272 after HSP assigned its claims against the Debtor to SouthTrust, and on February 9, 1996, this Court entered a default judgment in the amount of \$42,064.13 against the Debtor and in favor of SouthTrust.

4. The debt owing to SouthTrust as a result of the Debtor's forgery, as evidenced by the foregoing judgment of \$42,064.13, is nondischargeable and shall be excepted from discharge under Section 523(a) of the Bankruptcy Code.

5. On or about March 26, 1996, the Debtor plead guilty to violating 18 U.S.C. § 1344 by knowingly and willingly executing and attempting to execute a scheme to defraud SouthTrust. Pursuant to the guilty plea, on August 21, 1996, the United States District Court for the Northern District of Alabama ordered the Debtor to pay restitution to SouthTrust

in the amount of \$42,064.13 (the "Restitution Debt"). The Restitution Debt is nondischargeable and shall be excepted from discharge under Section 523(a)(13) of the Bankruptcy Code.

WHEREFORE, based upon the foregoing findings of fact and conclusions of law, it is hereby **ORDERED, ADJUDGED and DECREED** that the debt owing by the Debtor to SouthTrust in the amount of \$42,064.13 is nondischargeable and, pursuant to Sections 523(a)(2), (4), (6) and (13) of the Bankruptcy Code, shall be excepted from any discharge received by the Debtor in this or any other case under the Bankruptcy Code; and it is further

ORDERED, ADJUDGED and DECREED that the automatic stay entered pursuant to section 362(a) of the Bankruptcy Code is hereby terminated with respect to the debt excepted from discharge hereunder; and it is further

ORDERED, ADJUDGED and DECREED that a separate judgment shall enter determining that the debt of the Debtor to SouthTrust in the total amount of \$42,064.13, as set forth herein, are nondischargeable and shall be excepted from any discharge received by the Debtor in this or any other case under the Bankruptcy Code; and it is further

ORDERED, ADJUDGED and DECREED that SouthTrust may proceed to execute upon such judgment by any proceeding available under applicable law.

DONE this 15th day of March, 1997.



TAMARA O. MITCHELL
United States Bankruptcy Judge

AGREED AND CONSENTED TO BY:

Inst # 1997-10145

Kevin Loggins
Kevin Loggins, Debtor

04/02/1997-10145
03:16 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 SNA 23.50

S. Phillip Bahakel
S. Phillip Bahakel
Attorney for Debtor
Kevin Loggins

Lauren E. Wagner
Lauren E. Wagner
Attorney for SouthTrust
Bank of Alabama,
National Association

STATE OF TEXAS)

Bowie COUNTY)

I, the undersigned, hereby certify that Kevin L. Loggins, whose name is signed to the foregoing Consent Order, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Consent Order, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office this 22nd day of February, 1997.

Hejane C. Moore
Notary Public

[NOTARIAL SEAL]

My commission expires: 1-31-98