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

In the Matter of:

Christopher A. Montalbano

Debtor(s)

BCICAPITAL, INC.,

Plaintiff (s)

vs.

CHRISTOPHER A. MONTALBANO

Defendant(s)

Case No. 20-03696-TOM7

AP No. 21-00015

I, Joseph E. Bulgarella, Clerk of the United States Bankruptcy Court for the Northern District of Alabama, do hereby certify that the attached copy of the STIPULATED JUDGMENT FOR NONDISCHARGEABILITY OF DEBT UNDER 11 U.S.C. SECTION 523 in the case of BCICAPITAL, INC. V. CHRISTOPHER MONTALBANO, Adversary Proceeding No. 21-00015 has been compared with the original thereof and that it is a complete and correct copy of such original as it appears of record and on file in my office.

In testimony whereof I have hereunto set my hand at Birmingham, Alabama in said District, this 7th day of May, 2021.

Dated: May 7, 2021

Joseph E. Bulgarella, Clerk
United States Bankruptcy Court

RS
By: Randy Harless
Deputy Clerk



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

In re:)
)
CHRISTOPHER A. MONTALBANO,) Case Number 20-03696-TOM7
)
Debtor.)
)
)
)
)
BCICAPITAL, INC.,)
)
)
Plaintiff,)
) AP No. 21-00015-TOM
v.)
)
)
CHRISTOPHER A. MONTALBANO,)
)
)
Defendant.)

STIPULATED JUDGMENT FOR
NONDISCHARGEABILITY OF DEBT UNDER 11 U.S.C. § 523

This matter comes before the Court on the *Complaint To Determine The Dischargeability Of A Debt* timely filed by BciCapital, Inc. (the "Complaint"), against Christopher A. Montalbano ("Defendant" and collectively with the Plaintiff, the "Parties"), the debtor in the above-captioned Chapter 7 case. The Parties have submitted the instant stipulated judgment (the "Stipulated Judgment") to the Court for review and entry.

Based on the Parties' agreement as evidenced by their submission of the Stipulated Judgment and the facts stated therein, and for good cause shown, the Court hereby makes the following findings of fact and conclusions of law, and enters judgment against Defendant and in favor of Plaintiff, as follows:

Findings of Fact

1. On May 12, 2020, Plaintiff filed a lawsuit against the Defendant and other related defendants in the Circuit Court of Shelby County, Alabama (the "Alabama Court"), *BciCapital, Inc. v. Christopher Montalbano et al.*, Civil Action No. 58-CV-2020-900405.00 (the "State Court Action"), asserting amounts owed under certain lease agreements and guaranties.

2. On July 16, 2020, the Alabama Court entered a final judgment against the Defendant and the other defendants in the State Court Action, jointly and severally, in the amount of \$1,486,042.30 (the "State Court Judgment").

3. On or about December 21, 2020, Defendant filed the instant Chapter 7 bankruptcy case.

4. Defendant listed Plaintiff as a secured creditor in the amount of the State Court Judgment in his Schedule D filed on December 15, 2020 [Docket No. 1].

5. Each undersigned counsel of record in this action represents that he is fully authorized to consent and agree to this Stipulated Judgment on behalf of the respective Party whom he represents and that he has authority to bind the same, and further represents that the Party whom he represents has been informed by him as its legal counsel of the effect and purpose of the instant Stipulated Judgment and has agreed to be bound by it.

Conclusions of Law

6. The Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334(b).

7. This Adversary Proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(I).

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1409.

9. Defendant agrees to and does waive, release, and forever discharge any and all claims that he may have against the Plaintiff, or any of its agents, attorneys, employees, or representatives, relating to, arising out of, or in connection with the instant adversary proceeding.

10. Each Party shall bear its own costs, including without limitation attorneys' fees, associated with the litigation and settlement of the instant adversary proceeding.

Judgment

11. Judgment is hereby ENTERED in favor of Plaintiff and against Defendant on Count One of the Complaint asserting grounds for non-dischargeability of the State Court Judgment pursuant to 11 U.S.C. § 523(a)(2).

12. The State Court Judgment shall not be discharged pursuant to any discharge the Defendant receives in the instant Chapter 7 case pursuant to 11 U.S.C. § 727(a) or otherwise, and shall remain due and owing by the Defendant after any such discharge and the full administration and closing of the instant Chapter 7 case in the amount of \$1,486,042.30 plus other amounts as allowed by state law.

13. The Court shall retain jurisdiction over the parties and subject matter of this action for the purpose of enforcing and/or interpreting this Stipulated Judgment.

SO ENTERED AND ORDER this the 4th day of May 2021.

/s/ Tamara O. Mitchell
United States Bankruptcy Judge

CONSENTED TO AND AGREED BY:

/s/ Glenn E. Glover

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