

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

**JOHN PRICE; MICHELLE HILLS; and)
THE SAVANNAH-CHATHAM COUNTY)
FAIR HOUSING COUNCIL, INC.,)**

Plaintiffs,

vs.

**JAMES T. WALKER; NADINE C.)
WALKER; and WENDY WALKER)**

Defendants.

Case No. 6:10-cv-22-WHS/WCS

CONSENT JUDGMENT AND FINAL ORDER

I. INTRODUCTION

This action was brought by plaintiffs Savannah Chatham County Fair Housing Council, John Price and Michelle Hills alleging that defendants James T. Walker, Nadine C. Walker and Wendy Walker violated the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* Specifically, plaintiffs allege that defendants engaged in a pattern or practice of discrimination on the basis of race and color in connection with their ownership and operation of rental dwellings located in Bulloch County, Georgia.

Plaintiffs and defendants have agreed that in order to avoid protracted and costly litigation, the controversy should be resolved without trial or adjudication on the merits, and therefore have consented to the entry of this judgment and order.

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It is hereby ORDERED, ADJUDGED, and DECREED that:

II. MONETARY TERMS

1. Defendants shall make a monetary payment in the form of cashier's checks made payable to the Attorney-Client Trust Account of Brancart & Brancart in the total amount of one hundred sixty-two thousand five hundred dollars (\$162,500.00) in full payment of any and all claims for damages and attorneys' fees, costs and expenses by plaintiffs. The parties agree that this total sum shall not be dischargeable by James T. Walker or Nadine Walker. The cashier's checks shall be delivered to Brancart & Brancart, 8205 Pescadero Road, Loma Mar, CA 94021, in accordance with the following schedule:

- a) ten thousand dollars (\$10,000.00) by May 15, 2012;
- b) one hundred ten thousand dollars (\$110,000.00) by August 15, 2012; and,
- c) forty-two thousand five hundred dollars (\$42,500.00) by December 14, 2012.

III. RELEASE TERMS

2. Subject to the terms of this decree, plaintiffs and defendants shall execute mutual releases indicating that this decree constitutes a full and final settlement of any and all claims related to the subject matter of this lawsuit.

IV. EQUITABLE TERMS

A. Nadine Walker

3. Defendant Nadine Walker agrees to cease and desist from any operation

or management of any rental dwelling.

B. Operation of Defendants' Rental Dwellings

4. Within 30 days of entry of this consent judgment and continuing thereafter for the duration of this consent judgment, defendant James Walker shall in connection with the operation and management of each dwelling owned, managed or operated by defendants:

- a. Abide by all federal and state fair housing laws;
- b. Provide a copy of the United States Department of Housing and Urban Development (HUD) pamphlet entitled "Are you the victim of housing discrimination?" (HUD official form 903.1) to each tenant and prospective tenant.
- c. Post on the interior of at least one closet or cabinet of each dwelling owned by defendants a copy of the fair housing poster (HUD official form 928);
- d. For a period of twenty-four months, place at least one advertisement per month in a media of general circulation, such as the local newspaper, alerting the public to available vacancies for rent and stating "We do business in accordance with the Fair Housing Act," or words to the effect; and,
- e. Within six months of entry of this consent judgment and every two years thereafter, attend and pay for attending fair housing training provided by the Savannah Apartment Association. Each training shall not exceed a registration fee of one hundred dollars (\$100.00).

C. Compliance Certification

5. Defendants shall, using the attached Compliance Acknowledgment (exhibit 1), attest under penalty of perjury on or before each anniversary date of the

entry of this decree to the following:

- a. That each of them has fully complied with the terms of this decree;

and,

- b. That, to the best of his or her knowledge, each other defendant has also fully complied with the terms of this decree.

D. Transfer of Interest in Defendants' Dwellings

6. If defendants decide to sell or otherwise transfer any interest in a rental dwelling, then 30 days before that transfer or sale, defendants shall provide Savannah-Chatham County Fair Housing Council with a statement attesting to the following under penalty of perjury:

- a. The name of the purchaser;
- b. Address of the dwelling;
- c. Proposed date of the transfer or sale;
- d. Whether the purchaser has any social, familial or business

relationship to defendants; and,

- e. Whether the sale or transfer is an "arms-length transaction," meaning a transaction that has been arrived at in the marketplace between independent, non-affiliated persons, unrelated by blood or marriage, with opposing economic interests regarding that transaction.

7. If any defendant transfers or sells a dwelling to an unrelated purchaser in an arms-length transaction, then operation of that dwelling shall no longer be subject to the terms of this decree.

8. If any defendant transfers a dwelling in any manner other than an arms-

length transaction, then operation of that dwelling shall remain subject to the terms of this decree.

V. NOTIFICATION OF COMPLIANCE

9. Each defendants shall provide a copy of each executed certificate identified in paragraphs 5 and 6 herein to the Savannah-Chatham County Fair Housing Council, and shall retain the originals in their records.

VI. ENFORCEMENT

10. Time is of the essence with regard to all obligations herein. If defendants fail or refuse to pay by the due date any installment, as fixed under paragraph 2 herein, then defendants shall be in default, and all sums due pursuant to this consent judgment shall become immediately due and payable by defendants, jointly and severally. Upon default, plaintiffs shall be entitled to exercise any legal right to collect the amounts in default, including garnishment, execution, and levy. If any amount due pursuant to this consent judgment is collected through an attorney, then defendants shall be jointly and severally liable for the costs of collection, including fifteen percent (15%) of the principal as attorney's fees as permitted pursuant to O.C.G.A. 13-1-11.

11. The Court shall retain jurisdiction for the purposes of enforcement of the terms of this decree. The parties shall attempt in good faith to resolve any disputes that arise under the terms of this order. Only after good faith attempts have been exhausted will the parties request the assistance of the Court in resolving such disputes.

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VII. DURATION

This consent judgment shall remain in effect for a period of five years after the date of entry, unless otherwise specified.

Ordered this 26th day of April, 2012.

s/ William Stafford
Honorable William Stafford
Senior United States District Judge

Approved as to content and form:

Dated: April 25, 2012.

Respectfully Submitted,

BRANCART & BRANCART

/s/ Christopher Brancart

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Respectfully Submitted,

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Attorneys for Defendants

COMPLIANCE CERTIFICATE - EXHIBIT 1

Price v. Walker

Case No. 10-cv-22-WHS/WCS

I, _____, declare as follows:

1. I have personal knowledge of the matters set forth herein and, if called to testify, could and would testify competently to these matters.

2. I am a defendant in this action

3. I have read, understood and agreed to abide by the following terms of the consent decree entered in the above referenced matter; specifically, in connection with the operation and management of each dwelling owned or operated by any defendant:

- a) Defendant Nadine Walker has ceased from any operation or management of any rental dwelling;
- b) Abide by all federal and state fair housing laws;
- c) Provide a copy of the United States Department of Housing and Urban Development (HUD) pamphlet entitled "Are you the victim of housing discrimination?" (HUD official form 903.1) to each tenant and prospective tenant of each dwelling.
- d) Post on the interior of at least one closet or cabinet of each dwelling a copy of the fair housing poster (HUD official form 928);
- e) For a period of twenty-four months, place at least one advertisement per month in a media of general circulation, such as the local newspaper, alerting the public to available vacancies for rent and stating "We do business in accordance with the Fair Housing Act," or words to the effect; and,
- f) Within six months of entry of this consent judgment and every two years thereafter, attend and pay for attending fair housing training provided by the Savannah Apartment Association. Each training shall not exceed a registration fee of one hundred dollars (\$100.00).

I declare under penalty of perjury that the foregoing is true and correct under the laws of the United States of America.

Signed: _____ Dated: _____