

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CNH INDUSTRIAL CAPITAL AMERICA, LLC**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 4:16-CV-165-JMV**

**DEOVELENTE FARMS, MALCOLM  
K. RODGERS, MARK D. RODGERS,  
PAULA R. KIKER, SHILOH FARMS, INC.,  
YAZOO RIVER FARMS, INC. AND  
LUNDY FARMS, INC.**

**DEFENDANTS**

**CONSENT JUDGMENT**

This civil action is before the Court on Motion for Entry of Consent Judgment (DK# \_\_) filed by Plaintiff, CNH Industrial Capital America, LLC ("CNH") against Defendants Deovelente Farms, Malcolm K. Rodgers, Mark D. Rodgers, Paula R. Kiker, Shiloh Farms, Inc., Yazoo River Farms, Inc. and Lundy Farms, Inc., (collectively "Defendants") and the Court, having been advised that CNH and Defendants previously submitted and the Court entered an Agreed Final Judgment of Replevin (DK# 7) as to Count I of the Complaint - Replevin, that the property identified in the Agreed Final Judgment of Replevin has been sold, that entry of a final judgement as to Count II of the Complaint - Monetary Judgment, as to the deficiency is ripe for entry, and Plaintiff and Defendants have come to an agreement as to the amount of the monetary judgment, is of the opinion that final judgment should be entered, and in support thereof, makes the following findings of fact and conclusions of law:

1. This Court has jurisdiction over the subject matter of, and the parties to this action.

Venue is proper in this Court. Plaintiff and Defendants have consented to entry of final judgment by the undersigned United States Magistrate Judge as reflected in the Notice, Consent and Reference of a Civil Action to a Magistrate Judge entered in this civil action on May 30, 2017 (DK#13).

2. The Court and the Defendants have been advised by Plaintiff that at the time of the filing of this civil action, Plaintiff was in possession of certain equipment owned by Defendant, Deovelente Farms, that is was not necessary to obtain relief for possession of said equipment in the Complaint and that the contracts relating to said equipment were not included in Count II of the Complaint for a deficiency judgment. Defendants acknowledge the deficiency amounts under such additional contracts and by the execution of this Consent Judgment have agreed to the inclusion of a monetary judgment for the deficiency after the sale of such additional equipment.

IT IS THEREFORE ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiff, CNH Industrial Capital America, LLC and against Deovelente Farms, Malcolm K. Rodgers, Mark D. Rodgers, Paula R. Kiker, Shiloh Farms, Inc., Yazoo River Farms, Inc. and Lundy Farms, Inc., jointly and severally, in the amount of \$436,139.72, which amount is inclusive of pre-judgment interest, attorneys fees and expenses, court costs and all other charges, which amount shall bear post-judgment interest at the federal statutory rate prescribed by 28 U.S.C. §1961(a) which is currently 1.24% per annum.

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INTENTIONALLY OMITTED

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IT IS FURTHER ORDERED AND ADJUDGED that this Consent Judgment disposes of all claims made against all parties to this civil action and this Consent Judgment is a final judgment

pursuant to Rule 54 of the *Federal Rules of Civil Procedure*.

SO ORDERED AND ADJUDGED, this the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

Agreed:

  
\_\_\_\_\_  
Jeffrey A. Levingston, MSB No. 1219  
Counsel for Defendants

  
\_\_\_\_\_  
W. Jarrett Little, MSB No. 104812  
Counsel for Plaintiff

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