

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:08-CV-517-FL

GEOFFREY H. SIMMONS, JR.,)

Plaintiff,)

v.)

GEOFFREY H. SIMMONS, SR., and)
SIMMONS LAW FIRM,)

Defendants.)

ORDER

This matter is before the undersigned on the Motion to Claim Exempt Property [DE-128] filed by the judgment debtor, Geoffrey H. Simmons, Sr.

The judgment debtor filed the Motion [DE-128] on June 15, 2015, and represented therein that he served the judgment creditor, Geoffrey H. Simmons, Jr., by U.S. mail. Under N.C. Gen. Stat. § 1C-1603(e)(5), a judgment creditor has 10 days from being served with a motion to file an objection to the judgment debtor's schedule of exemptions. Judgment creditor did not file any timely objections. He did, however, send a letter dated July 28, 2015 [DE-130] to the undersigned indicating that he was aware of the judgment creditor's motion, and stating that he is "in need of an Execution for this judgment" and requesting "forms for this next step, and lien actions for tax refunds, etc."

Given the lack of objection to the Motion [DE-128], and pursuant to N.C. Gen. Stat. § 1C-1603, which is applicable to this proceeding, the Motion is ALLOWED, and the property listed by Geoffrey H. Simmons, Sr., on the Notice to Claim Exempt Property [DE-128] is hereby designated as exempt property to the extent and at the monetary amounts allowed by law.

The undersigned will issue a writ of execution in accordance with the law, and in accordance with the Court's March 4, 2015, Order [DE-123], will forward it to the United States Marshal Service. To the extent that the judgment creditor seeks further relief or legal advice, the request in his letter [DE-130] is denied.

SO ORDERED. This the 17th day of December, 2015.



Julie Richards Johnston
Clerk of Court