

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

GOLDMAN SACHS TRUST COMPANY,)
N.A. As Executor of the Estate of RALPH)
L. FALLS, JR.)
Plaintiff,)
v.)
RALPH L. FALLS, III,)
Defendant.)

AMENDED JUDGMENT

No. 5:14-CV-777-FL

Decision by Court and Jury.

That this action came before The Honorable Louise W. Flanagan, United States District Judge, for consideration of defendant's and plaintiff's oral motions for directed verdict. Subsequent to the court's ruling as to these motions, the claims in this action were tried by a jury with The Honorable Louise W. Flanagan presiding, and the jury rendered a verdict favorable to plaintiff. Subsequent to trial, the court denied defendant's motion for judgment notwithstanding the verdict and for new trial. The court denied defendant's request for relief in the form of a setoff defense, and the court determined that the judgment shall accrue interest at a rate of 8% per annum starting on January 23, 2015, until such date as the judgment is paid.

IT IS ORDERED, ADJUDGED AND DECREED that Ralph L. Falls, Jr. and defendant DID reach an agreement that Ralph L. Falls, Jr. would loan defendant \$200,000.00 upon defendant's promise either to place a second mortgage on the home that defendant purchased in Summit, New Jersey or to provide a promissory note in favor of Ralph L. Falls, Jr.

IT IS ORDERED, ADJUDGED AND DECREED that defendant DID breach the agreement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that after entering into the agreement, Ralph L. Falls, Jr. and defendant DID NOT cancel or modify the terms of the agreement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff is entitled to recover \$193,000.00 from defendant and plaintiff is entitled to recover interest on that amount accruing at a rate of 8% per annum, calculated starting on January 23, 2015, until such date as the judgment is paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff WAS NOT damaged by defendant's misrepresentation that he would place a second mortgage in favor of Ralph L. Falls, Jr. on the home that defendant purchased in Summit, New Jersey.

This Judgment Filed and Entered on July 16, 2018, and Copies To:

J. Mitchell Armbruster (via CM/ECF Notice of Electronic Filing)
James K. Dorsett, III (via CM/ECF Notice of Electronic Filing)
Eva G. Fongello (via CM/ECF Notice of Electronic Filing)
Lynn F. Chandler (via CM/ECF Notice of Electronic Filing)
Stephanie C. Daniel (via CM/ECF Notice of Electronic Filing)
Mary B. Ramsay (via CM/ECF Notice of Electronic Filing)

July 16, 2018

PETER A MOORE, JR., CLERK

/s/ Sandra K. Collins
(By) Sandra K. Collins, Deputy Clerk