

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

CIVIL CASE NO. 1:10cv47

FLORIDA AIRCRAFT SALES, LLC,)
Plaintiff-Judgment Creditor,)
)
vs.)
)
JOSEPH DUNCAN,)
Defendant-Judgment Debtor.)
)
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ORDER FOR FINAL EXECUTION

THIS MATTER is before the Court on the Plaintiff-Judgment Creditor’s Motion for Final Execution and Order to Preclude Exempt Property Rights [Doc. 65].

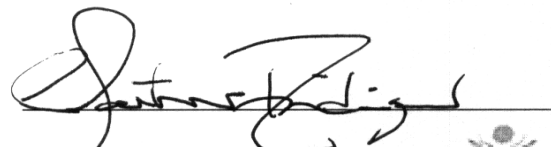
On October 17, 2011, the Clerk of Court issued a Notice of Right to Have Exemptions Designated. [Doc. 60]. The Plaintiff-Judgment Creditor has filed proof that on October 22, 2011, the Defendant-Judgment Debtor was served with a copy of the Judgment together with a copy of the Notice of Right to Have Exemptions Designated and Schedule of Debtors Property and Request to Set Aside Exempt Property. [Doc. 65, Doc. 65-1, Doc. 66]. The twenty day period within which the Defendant-Judgment Debtor was to file a Schedule of Debtors Property and Request to Set Aside Exempt Property has

expired and the Defendant-Judgment Debtor has failed to file the same and has also failed to request a hearing to set aside exempt property. The Court, therefore, finds that the Defendant-Judgment Debtor has had a reasonable opportunity to assert the exemptions provided by law and that the Defendant-Judgment Debtor's failure to respond should be considered a waiver of his right to have property set aside as exempt from the execution of the Judgment in this case.

IT IS, THEREFORE, ORDERED that the Plaintiff-Judgment Creditor's Motion for Final Execution and Order to Preclude Exempt Property Rights [Doc. 65] is hereby **GRANTED** and a final execution may be issued by the Clerk of Court.

IT IS FURTHER ORDERED that the Defendant-Judgment Debtor is precluded from having any of his property set aside as exempt from the Judgment in this case.

Signed: November 21, 2011


Martin Reidinger
United States District Judge

