

MAY 23 2012

**U.S. DISTRICT COURT**  
**WESTERN DISTRICT OF NC**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL ACTION FILE NO. 1:11-cv-82-MR-DLH

FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER FOR THE  
BANK OF ASHEVILLE,

Plaintiff

v.

GEORGE M. GABLER,

Defendant

CONSENT JUDGMENT

THIS CAUSE coming on to be heard and being heard, with the consent of the parties hereto, for final adjudication on the merits of Plaintiff's Complaint. The parties hereto hereby consent and agree to the form and entry of this Consent Judgment. Furthermore, the parties hereto expressly waive the requirements of Findings of Fact and Conclusions of Law and agree to be bound by this Consent Judgment, both at the trial court level and the appellate level.

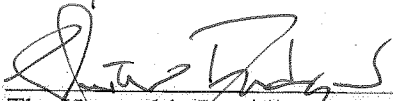
THEREFORE, WITH THE CONSENT OF THE PARTIES, IT HEREBY IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

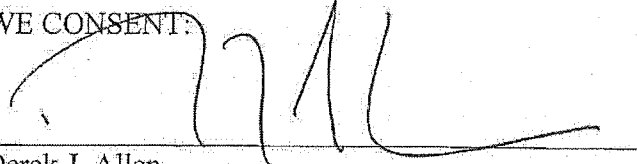
Plaintiff shall have and recover of Defendant George M. Gabler the sum of Six Hundred Sixty Two Thousand, Eight Hundred Sixty and 04/100 Dollars (\$662,860.04), plus interest at the legal rate of \$110.68 per diem from July 23, 2010, until paid in full, and attorneys' fees of \$99,429.00.

That Defendant's Counterclaims in this action shall be, and they are hereby, dismissed, with prejudice.

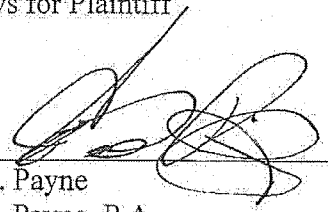
This is a final judgment as to Plaintiff's Complaint and there is no just reason for delaying the entry of this judgment.

This the 23 day of May, 2012.

  
The Honorable Presiding Judge

WE CONSENT: 

Derek J. Allen  
N.C. State Bar I.D. No.: 24091  
email: dja@wardandsmith.com  
For the firm of  
Ward and Smith, P.A.  
Post Office Box 2020  
Asheville, NC 28802-2020  
Telephone: 828.348.6070  
Facsimile: 828.348.6077  
Attorneys for Plaintiff

  
David R. Payne  
David R. Payne, P.A.  
1 North Pack Square, Suite 425  
Asheville, NC 28801  
Phone: 828-258-0076  
Fax: 828-281-2873  
Attorneys for Defendant

George M. Gabler [SEAL]  
GEORGE M. GABLER

Buncombe COUNTY, NORTH CAROLINA

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: GEORGE M. GABLER

Date 4/4/12  
(Official Seal)

Linda O. Lichtenberg  
Notary Public

My commission expires:

July 11, 2015

