

MAR 12 2014

U.S. DISTRICT COURT
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:12-cv-00357-MR-DLH

FIDELITY NATIONAL TITLE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
JAMES A. RIELS, REGINA B. RIELS,)
BRANDON RIELS, AMY RIELS)
and JARCO DEVELOPMENT, LLC,)
)
Defendants.)

CONSENT JUDGMENT
and
DISMISSALS

THIS MATTER came on to be heard before the Court, and it appearing to the Court that Fidelity National Title Insurance Company, the Plaintiff in the above-styled civil action, and James A. Riels, a Defendant in the above-styled civil action, have agreed to compromise and settle the matters in dispute between them and wish to enter into a Consent Judgment;

THEREFORE, the Court makes and enters upon the record the following findings of fact and conclusions of law:

1. On November 9, 2012, Plaintiff filed its Complaint, [Doc 1] in order to recover upon certain promissory notes.
2. Jurisdiction is appropriate and venue is proper in this Court.

3. Defendant James A. Riels consents to the entry of this Consent Judgment for the purpose of avoiding litigation, and shall not dispute the validity of this Consent Judgment, or the authority of the Court to enforce this Consent Judgment.

4. Plaintiff is the current owner and holder of the First Note and the Second Note referenced in the Complaint.

5. Defendant James A. Riels consents to a judgment against him for \$550,000.00.

6. This Consent Judgment relates solely to the facts and events alleged in the Complaint, and it reflects the entire agreement between the parties. Plaintiff agrees not to enter into any suit, action, or other proceeding at law or in equity, or to make any claim or demand of any kind or nature, in tort or otherwise, against Defendants based upon or in any way arising out of the facts giving rise to the Complaint.

THEREFORE, BASED UPON THE FOREGOING FINDINGS OF FACT
THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. Plaintiff is entitled to a Consent Judgment against Defendant James A. Riels for \$550,000.

2. Counts Two, Three and Four of the Complaint should be and are hereby dismissed with prejudice, and the causes of action in the Complaint against Regina B. Riels, Brandon Riels, Amy Riels and Jarco Development, LLC are

hereby dismissed by the Court with prejudice. Each party will bear its own court costs and attorneys' fees as heretofore incurred.


IT IS THEREFORE ORDERED AS FOLLOWS:

1. Consent Judgment is GRANTED against Defendant James A. Riels, and that Plaintiff shall have and recover as to Defendant James A. Riels the amount of \$550,000.00, plus interest from the date of this Judgment at 8% per annum or the maximum legal rate until paid in full, for which execution may issue.

2. The Clerk shall enter this judgment as a final order and will close this case, over which the Court shall retain jurisdiction to enter and enforce any orders to effectuate the judgment.

3. The claims against Regina B. Riels, Brandon Riels, Amy Riels, and Jarco Development, LLC are hereby dismissed with prejudice.

IT IS SO ORDERED. *This the 12th day of March, 2014*



DENNIS HOWELL
UNITED STATES MAGISTRATE JUDGE

[Consent pages executed by parties follow]

Prepared and Presented By:




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And by:



James A. Riels
Defendant