

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL CASE NO. 2:09cv49

GREGORY BADER,)
)
Plaintiff-Judgment Creditor,)
)
vs.)_____
)
CREIGHTON W. SOSSOMON,)
)
Defendant-Judgment Debtor.)
_____)

**ORDER FOR FINAL EXECUTION
and
PRECLUSION OF EXEMPT PROPERTY**

THIS MATTER is before the Court on the Plaintiff-Judgment Creditor’s Motion for Final Execution and Order to Preclude Exempt Property Rights [Doc. 49].

As shown by the affidavit of service, on January 24, 2011, Macon County Deputy Sheriff M. L. Trammel personally served the Defendant-Judgment Debtor with a copy of the Notice of Right to Have Exemptions Designated and a copy of a motion to claim exempt property, WDNC-Dec. 2008 Form “Notice to Claim Exempt Property (Statutory Exemptions). [Doc.

48-1]. As shown by the record of this action, the Defendant-Judgment Debtor has failed to file a motion to claim exempt property, WDNC-Dec. 2008 Form "Notice to Claim Exempt Property (Statutory Exemptions). The Defendant-Judgment Debtor has not filed any response in the record of this action. The Plaintiff-Judgment Creditor's attorney has stated that no response has been made in any manner. [Doc. 49, at 2]. The Defendant-Judgment Debtor's failure to respond is a waiver of his right to have property set aside as exempt from the execution of the Judgment in this case.

In the motion, counsel also seeks an Order requiring the Defendant-Judgment Debtor to attend an examination under oath for the purpose of ascertaining the nature, extent and location of assets from which the Judgment might be satisfied. The Defendant-Judgment Debtor has also failed to respond to this motion and as a result, it will be granted.

ORDER

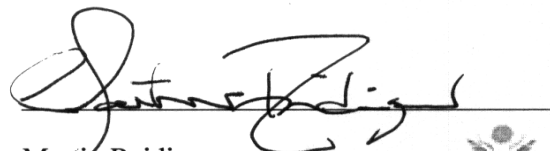
IT IS, THEREFORE, ORDERED that the Plaintiff-Judgment Creditor's Motion for Final Execution and Order to Preclude Exempt Property Rights [Doc. 49] is hereby **GRANTED**.


IT IS FURTHER ORDERED that the Judgment Debtor is hereby **PRECLUDED** from claiming that any of his property is exempt from the Judgment.

IT IS FURTHER ORDERED that a final execution be issued by the Clerk of this Court for the collection of the judgment in this case.

IT IS FURTHER ORDERED that the Defendant-Judgment Debtor shall appear at the offices of Mark C. Kurdys, counsel for the Plaintiff-Judgment Creditor, at Roberts & Stevens, P.A., Asheville, North Carolina for examination under oath on or before twenty (21) days from the date of this Order and, in accordance with the subpoena issued for such examination,¹ shall bring with him to that examination all such documents and files in his possession or control describing the nature, extent and location of all property or assets in which the Defendant-Judgment Debtor held any interest on or at any time since August 21, 2007.

Signed: February 25, 2011


Martin Reidinger
United States District Judge



¹The subpoena has not yet issued, counsel having need of this Order prior to the issuance thereof.