

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00426-MOC-DSC

FIDELITY AND DEPOSIT COMPANY OF)
MARYLAND,)
)
Plaintiff,)
)
Vs.)
)
)
)
MILES BUILDERS, INC., et al.,)
)
Defendants.)

ORDER

THIS MATTER is before the court on plaintiffs’ Motions for Final Execution and Order to Preclude Exempt Property Rights.

Based on review of those motions and the underlying pleadings in this case, it appears that the Judgment Debtors (listed below) have been 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” and that the Judgment Debtors have failed to file a “Schedule of Debtors’ Property and Request to Set Aside Exempt Property” and have failed to request a hearing to set aside exempt property or otherwise respond within the time allowed, as shown by the Declaration of William H. Sturges (#16).

The court, therefore, finds that the Judgment Debtors have had a reasonable opportunity to assert the exemptions provided by law and that the Judgment Debtors’ failure to respond is a waiver of their respective rights to have property set aside as exempt from the execution of the Judgment in this case.

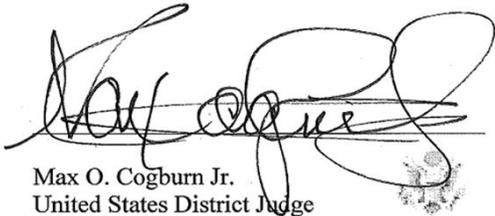
ORDER

IT IS, THEREFORE, ORDERED that plaintiffs' Motions for Final Execution and Order to Preclude Exempt Property Rights (#17 & #18) are ALLOWED, and

(1) Judgment Debtors Douglas R. Miles, Linda P. Miles, D. Michael Miles, and Tracie W. Miles, are precluded from having any of their property set aside as exempt from Judgment in this case; and

(2) an ORDER OF FINAL EXECUTION be issued by the Clerk of this Court for the collection of the judgment in this case against the following Judgment Debtors: Douglas R. Miles, Linda P. Miles, D. Michael Miles, and Tracie W. Miles.

Signed: May 3, 2013



Max O. Cogburn Jr.
United States District Judge