

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

IN RE: LYNN DUANE HAMILTON

Case No.: 89-00189

Debtor.

Chapter 7

BOMBARDIER CREDIT, INC.,

Adversary Proceeding 91-9026

Plaintiff

vs.

LYNN DUANE HAMILTON,

Defendant.

**FINAL SUMMARY JUDGMENT IN FAVOR OF  
PLAINTIFF BOMBARDIER CREDIT, INC.  
AGAINST DEFENDANT LYNN DUANE HAMILTON**

This adversary proceeding came on for hearing on June 4, 1992, upon the Motion by BOMBARDIER CREDIT, INC. for Summary Judgment. Plaintiff and Defendant appeared through their counsel. No affidavits in opposition to the Motion were filed by the Defendant. After hearing argument of counsel the Court finds that the pleadings and deposition of the debtor taken on November 6, 1991, show that there is no genuine issue as to any material fact and that plaintiff BOMBARDIER CREDIT, INC. is entitled to a Judgment as a matter of law. It is therefore,

ORDERED,

1. The debt of LYNN DUANE HAMILTON to BOMBARDIER CREDIT, INC. resulting from him failure to pay over to BOMBARDIER CREDIT, INC. the sum of \$6,610.00 under its floorplan agreement and the debtor's expenditures of said funds for

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BANKRUPTCY COURT  
Northern District of Florida  
DATE ENTERED ON DOCKET:

06-25-92

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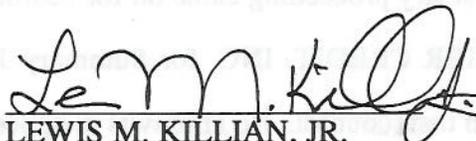
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other purposes constitutes embezzlement within the meaning of 11 U.S.C. §523(a)(4) and willful and malicious injury by the debtor to Bombardier Credit, Inc. into its property within the meaning of 11 U.S.C. §523(a)(6). As a result said debt is not dischargeable in the debtor's Chapter 7 bankruptcy case.

2. That Plaintiff BOMBARDIER CREDIT, INC. have and recover from defendant LYNN DUANE HAMILTON the sum of \$6,610.00 for principal, together with \$ 1,410.37 for interest from August 31, 1990, to the date of this Judgment, making a total of \$ 8,020.37, for all of which let execution issue.

3. This judgment shall accrue interest at the rate of 4.26 % per annum.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida on this 10<sup>th</sup> 25<sup>th</sup> day of June, 1992.

  
LEWIS M. KILLIAN, JR.  
Bankruptcy Judge

Copies to:

Eric S. Ruff, 4010 Newberry Road, Suite G, Gainesville, FL 32607

J. Michael Davis, 24 N. W. 33rd Court, Suite A, Gainesville, FL 32607

HEREBY CERTIFY that this is a true and correct copy of the original on file in the office of the Clerk, United States Bankruptcy Court for the Northern District of Florida.

LARRY A. PACE, Clerk, Bankruptcy Cc

By Donna Huicloth  
Deputy Clerk

FILED

