

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:)
CHARLES ASHBY) Case No. 96-32173
Debtor)
)
CYNTHIA ASHBY) A.P. No. 96-3100
AND JAMES CONWAY)
Plaintiff)
)
vs.)
)
CHARLES ASHBY)
Defendant)

JUDGMENT

Pursuant to the findings and conclusions set forth in the Court's Memorandum entered this same date and incorporated herein by reference,

IT IS HEREBY ORDERED that the Plaintiffs recover from the Defendant the sum of \$3,600, payable directly to James Conway at the rate of \$150 per month on the 10th day of each month for eight months beginning September 10, 1996 and continuing through April 10, 1997, and thereafter, beginning May 10, 1997, at the rate of \$200 per month on the 10th day of each month for a period of twelve months until paid in full.

Should the Defendant fail to make any payment by the 20th day of the month, the entire remaining balance shall become due and Plaintiffs may proceed with execution.

This is a final and appealable Judgment and there is no just cause for delay.

August __, 1996

DAVID T. STOSBERG
UNITED STATES BANKRUPTCY JUDGE

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CHARLES ASHBY) Case No. 96-32173
Debtor)
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CYNTHIA ASHBY) A.P. No. 96-3100
AND JAMES CONWAY)
Plaintiff)
)
vs.)
)
CHARLES ASHBY)
Defendant)

MEMORANDUM

This case came before the Court for trial on the question of the dischargeability of certain obligations owed by the Debtor to the Plaintiff pursuant to a State Court Decree of divorce and subsequent Order of Contempt. The Court heard testimony from the parties and considered the exhibit tendered into evidence, consisting of the Findings, Conclusions and Recommendations of the Commissioner, subsequently adopted by the Judge William F. Stewart, Circuit Judge (dated August 15, 1995), and the Order of Contempt entered by Judge Stewart (dated March 21, 1996).

Specifically, the Plaintiff, Cynthia Ashby, seeks reimbursement for \$700 in medical and Commissioner costs, and Plaintiff, James Conway, seeks payment of attorney fees arising out of the divorce proceedings in the sum of \$2,725. Both amounts were previously awarded to the Plaintiffs by the two

State Court Orders referenced above. With court costs, Plaintiffs seek a total award of \$3,600.

The Court heard testimony regarding the relative incomes and expenses of the parties and finds that the Defendant has the ability to pay the amounts awarded by the State Court and shall enter a Judgment in favor of the Plaintiffs. The Court elects to allow the Defendant to pay the Judgment over a period of time, pursuant to 11 U.S.C. § 523(a)(15) and In re Smither, 194 B.R. 102 (Bankr. W.D. Ky. 1996) and In re Patterson, __ B.R. __, 1996 WL 437960 (Bankr. W.D. Ky. 1996) (recently published opinion).

Pursuant to these findings and conclusions, we have entered a Judgment in favor of the Plaintiffs in the sum of \$3,600, payable in installments.

August __, 1996

DAVID T. STOSBERG
UNITED STATES BANKRUPTCY JUDGE

ENTERED
DIANE S. ROBL, CLERK
August 15, 1996
U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY