

IT IS ORDERED as set forth below:

Date: March 15, 2013

Mary Grace Diehl

**Mary Grace Diehl
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

In re:

MORAN LAKE CONVALESCENT
CENTER, LLC,

Debtor.

Chapter 7

Case No. 10-43405-MGD

In re GEORGE DALYN HOUSER,

Debtor.

Chapter 7

Case No. 10-43407-MGD

TRACEY L. MONTZ, solely in her capacity
as Chapter 7 Trustee in Bankruptcy

Plaintiff,

-against-

Consolidated Adversary Proceeding
Nos. 11-04067 & 11-04068

HEALTHCARE REALTY &
DEVELOPMENT, LLC; RHONDA FAYE
HOUSER; JACQUELINE EMMELINE
KYDD HOUSER; THE KYDD GROUP,
LTD.; PAMELA GAYLE HOUSER;
LOUISE KELLEY HOUSER;
and ALFRED JOHN DAMUS.

Defendants.

Lead Adversary Case No.
11-04067 (MGD)

FINAL JUDGMENT AGAINST DEFENDANTS AND DEFENDANTS' COUNSEL

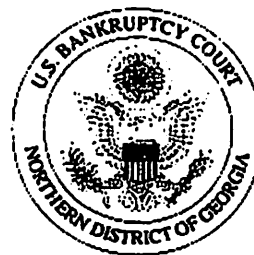
THIS MATTER comes before the Court pursuant to the *Motion for Order on (I) the Motion to Enforce; (II) Approving Trustee's Fees for the Second Motion to Enforce; and (III) for Entry of Judgment in the Total Amount of Awarded Fees and Costs* (the "**Motion**") (Docket No. 70) filed by Tracey L. Montz (the "**Trustee**"), Chapter 7 trustee, and hearing on March 12, 2013.

On June 21, 2012, the Court entered an order (Docket No. 32) directing defendants HealthCare Realty & Development, LLC, Jacqueline E. Kydd Houser, Rhonda F. Houser, The Kydd Group, Ltd., Pamela G. Houser and Louise K. Houser ("**Defendants**") to pay \$7,449 to the Trustee in connection with the *Trustee's Motion to Compel Discovery Responses* (Docket No. 22). On September 4, 2012, the Court entered an order (Docket No. 59) directing Defendants and their counsel, George D. Houser and H. Nasif Mahmoud, to pay \$2,957.50 to the Trustee in connection with the *Trustee's Motion to (I) Strike Defendant's Answer; (II) Enter Default Judgment and (III) Impose Sanctions* (Docket No. 31). On December 21, 2012, the Court entered an order (Docket No. 71) directing Defendants and their counsel to pay \$38,143.42 to the Trustee in connection with the *Trustee's Second Motion to Enforce Sanctions Orders* (Docket No. 63).

Upon consideration of the Motion in the above-captioned consolidated adversary proceeding, and due notice of the Motion having been given, and hearing before the Court on March 12, 2013, and such notice and hearing being adequate and sufficient under the circumstances, and after due deliberation and sufficient cause appearing therefore, it is

ORDERED AND ADJUDGED that **FINAL JUDGMENT** is entered in favor of the Trustee against defendants Healthcare Realty & Development, LLC, Rhonda Faye Houser, Jacqueline Emmeline Kydd Houser, The Kydd Group, Ltd., Pamela Gayle Houser, Louise Kelley Houser and their counsel George D. Houser and H. Nasif Mahmoud in the amount of \$48,549.92.

***** END OF ORDER*****



IT IS ORDERED as set forth below:

Date: April 6, 2012

Mary Grace Diehl

**Mary Grace Diehl
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

In re:
**MORAN LAKE CONVALESCENT
CENTER, LLC,**
Debtor.

In re George Dalyn Houser,
Debtor.

**TRACEY L. MONTZ, solely in her capacity
as Chapter 7 Trustee in Bankruptcy,**
Plaintiff,
-against-
**HEALTHCARE REALTY &
DEVELOPMENT, LLC; RHONDA FAYE
HOUSER; JACQUELINE EMMELINE
KYDD HOUSER; THE KYDD GROUP,
LTD.; PAMELA GAYLE HOUSER;
LOUISE KELLEY HOUSER;
and ALFRED JOHN DAMUS.**
Defendants.

**Chapter 7
Case No. 10-43405-MGD**

**Chapter 7
Case No. 10-43405-MGD**

**Consolidated Adversary Proceeding
Nos. 11-04067 & 11-04068**

**Lead Adversary Case No.
11-04067 (MGD)**

CONSENT ORDER AND JUDGMENT

THIS MATTER is before the Court on consent of Tracey L. Montz (the "Trustee"), solely in her capacity as chapter 7 Trustee in the above-captioned case, and Alfred John Damus ("Damus"), as a defendant in the above-captioned adversary proceeding.

On October 19, 2011, the Trustee filed a complaint (the "Complaint") in this adversary proceeding against Damus, among other defendants, regarding a purported transfer of interest in Moran Lake Convalescent Center, LLC ("Moran Lake") and Mount Berry Convalescent Center, LLC ("Mount Berry").¹ The Complaint seeks declaratory relief with respect to the defendants' property rights to Moran Lake and Mount Berry or, in the alternative, recovery of any transferred property as a fraudulent or preferential transfer, damages for civil conspiracy and disallowance of claims.

The Trustee and Damus have consented to entry of this Consent Order and Judgment resolving the claims asserted in the Complaint solely with respect to Damus. Therefore, for good cause show, it is

ORDERED AND ADJUDGED that any purported transfer of interest in Moran Lake or Mount Berry to Damus was ineffective and is invalid and unenforceable under applicable law.

ORDERED AND ADJUDGED that Damus holds no estate, right, title or interest in Moran Lake or Mount Berry.

¹ Any capitalized terms not defined herein shall have the meaning given to them in the Complaint.

ORDERED AND ADJUGDED that Damus is forever enjoined from claiming any estate, right, title or interest in Moran Lake, Mount Berry or any property of either entity.

ORDERED AND ADJUGDED that Damus holds no legal, equitable or any form of claim against the Debtor and any claim filed by or on behalf of Damus in the above-captioned case shall be DISALLOWED.