

FILED & JUDGMENT ENTERED
 David E. Weich

Sep 27 2007

Clerk, U.S. Bankruptcy Court
 Western District of North Carolina



George R. Hodges

George R. Hodges
 United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
 WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION

<p>In Re:</p>)	
)	
<p>JOSE CABRERA, and</p>)	<p>Case No. 03-30934</p>
<p>MARIBEL CABRERA,</p>)	<p>Chapter 13</p>
<p style="padding-left: 100px;">Debtors.</p>)	
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)	
<p>JOSE CABRERA, and</p>)	<p>Adv. Proc. 04-3234</p>
<p>MARIBEL CABRERA,</p>)	
<p style="padding-left: 100px;">Plaintiffs,</p>)	
<p style="padding-left: 40px;">v.</p>)	
<p>HOME LOAN CORPORATION, d/b/a</p>)	
<p>EXPANDED MORTGAGE CREDIT;</p>)	
<p>SELECT PORTFOLIO SERVICES, INC.,</p>)	
<p>f/k/a FAIRBANKS CAPITAL</p>)	
<p>CORPORATION, BANK OF NEW YORK,</p>)	
<p>TRUST U/A dated 12/1/01; CAPITAL</p>)	
<p>CONVERSIONS CORPORATION;</p>)	
<p>FAMILY MORTGAGE GROUP, INC.;</p>)	
<p>ROBERT CONCHA; and EVERETTE DALE</p>)	
<p>FRAZIER,</p>)	
<p style="padding-left: 100px;">Defendants.</p>)	
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Pursuant to the Memorandum of Opinion and Order entered by this court on September 11, 2007, the court conducted a hearing on September 26, 2007, for the purpose of finalizing the exact amount of recovery specified in the Memorandum of Opinion and Order. At the hearing on September 26, 2007, the parties stipulated to the following calculation of damages:

Judgment of \$90,186 reduced by \$5,000 previously paid by Dale Frazier	\$85,186.00
Mortgage Interest Rate	12.25%
June 2, 2000 – September 11, 2007	7.25 years
Total interest through date of judgment	\$75,655.82
Judgment amount including interest through date of judgment	\$160,841.82

It is therefore **ORDERED** that:

1. The plaintiff, Maribel Cabrera, shall have and recover from Capital Conversions Corporation on her claim of unfair and deceptive trade practices in violation of N.C. Gen. Stat. § 75-1.1 the sum of \$30,062;

2. Pursuant to N.C. Gen. Stat. § 75-16, the court trebles Mrs. Cabrera's actual damages and finds Capital Conversions liable to her in the amount of \$90,186;

3. Defendant Capital Conversions is entitled to a credit of \$5,000 (plus appropriate interest adjustment) on amounts paid pursuant to paragraph 2 above;

4. Plaintiff is entitled to recover pre-judgment interest at the rate of 12.25%, the rate periodically charged on her mortgage, from June 2, 2000, through the date of this Order;

5. The total amount due the plaintiff as of this date is \$160,841.82; and

6. The plaintiff's judgment shall bear interest as provided by 28 U.S.C. § 1961.

This Order has been signed electronically.
The Judge's signature and Court's seal
appear at the top of the Order.

United States Bankruptcy Court