

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
West Palm Beach Division

\*\*\*\*\* SUMMARY OF OPINION ENTERED ON SEPTEMBER 21, 2006\*\*\*\*\*

IN RE:

Case No.: 96-33413-BKC-SHF  
Chapter 7 Proceeding

LAWRENCE B. CUMMINGS,

\_\_\_\_\_  
Debtor. /

SUSAN CUMMINGS,

Plaintiff,

vs.

Adv. Pro. No.: 97-1128-BKC-SHF-A

LAWRENCE B. CUMMINGS,

\_\_\_\_\_  
Defendant. /

\*\*\*\*\* SUMMARY OF OPINION ENTERED ON SEPTEMBER 21, 2006\*\*\*\*\*

**MEMORANDUM OPINION DETERMINING OBLIGATION ARISING FROM  
FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE TO BE PARTIALLY DISCHARGEABLE  
AND PARTIALLY NON-DISCHARGEABLE**

Plaintiff, Susan Cummings sought a determination that the indebtedness of \$6,324,148 awarded to plaintiff by way of the May 23, 1996 Final Judgment of Dissolution of Marriage, is non-dischargeable in its entirety pursuant to 11 U.S.C. §§ 523(a)(5) and (a)(15). The Court determined that the monetary award in plaintiff's favor, contained in the May 23, 1996 Final Judgment of Dissolution of Marriage, is **non-dischargeable to the extent of \$7,567,202.38(including interest).**

The State Court had previously ruled that two of the three installments which made up the \$6,324,148 award were to be considered support and therefore this court found them to be non-dischargeable. As to the dischargeability of the third payment of \$2,108,049 due under the Final Judgment of Dissolution of Marriage, State Court Judge Phillips' January 14, 2002

Order Granting Amended Motion for Clarification provided that the third instalment “. . . was not necessary for support of the Former Wife and children.” Additionally, plaintiff presented no evidence to establish that the detriment which she would suffer outweighs the detriment that the defendant would suffer as a result of being required to pay the third instalment payment. Thus, based upon the lack of evidence presented by plaintiff, the third instalment, in the amount of \$2,108,049, is dischargeable.