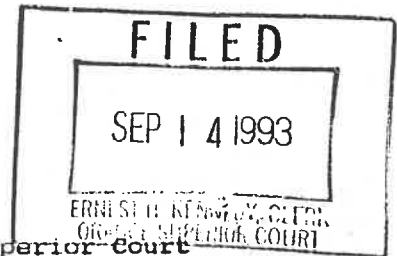


STATE OF VERMONT
ORANGE COUNTY, SS



Fidelity & Deposit
Company of Maryland

Orange Superior Court

v.

Richard Brooks

Docket # S 0092-93 OeC

Entry Order-

Plaintiff's Motion for Judgment on the Pleadings

Plaintiff has brought this action to collect on a previous judgment in its favor against defendant. Appended to plaintiff's complaint is a copy of the October 24, 1986 Judgment rendered in this court by Judge Linda Levitt.

Defendant's answer denies plaintiff's allegation that he is a resident of Groton, Vermont. However, defendant has been properly served and has not raised any issue as to personal jurisdiction. His counsel has entered a general appearance which does not in any way contest such jurisdiction. Defendant's answer admits the existence of the prior judgment against him, and admits that it remains unsatisfied.

Plaintiff has moved for judgment on the pleadings, on the basis of defendant's admission as to the outstanding judgment against him in favor of plaintiff. Defendant has stated his opposition to judgment on the pleadings, but has articulated no substantive basis for this opposition.

In ruling on the plaintiff's motion, the court must bear in mind the applicable standards for a motion for judgment on the pleadings:

On a V.R.C.P. 12 (c) motion for judgment on the pleadings, the issue is whether the movant is entitled to judgment on the pleadings. "For the purposes of the motion all well pleaded factual allegations in the nonmovant's pleadings and all reasonable inferences that can be drawn therefrom are assumed to be true and all contravening assertions in the movant's pleadings are taken to be false."

Thayer v. Herdt, 155 Vt. 448, 456 (1990), quoting Bressler v. Keller, 139 Vt.

401, 403 (1981). As defendant has admitted the existence of the outstanding unsatisfied judgment, both parties' pleadings are in agreement as to the material facts controlling defendant's liability; accordingly, plaintiff is entitled to judgment as a matter of law.

Judgment is hereby entered for Plaintiff in the amount of \$128,905.65, with court costs, as well as statutory interest on these amounts accruing from June 9, 1993.

Dated this 8 day of September, 1993, at Chelsea, Vermont.

Mary Miles Teachout

Mary Miles Teachout
Presiding Judge