



SO ORDERED.

SIGNED this 12 day of January, 2007.

ROBERT E. NUGENT
UNITED STATES CHIEF BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)	
)	
DAVID MARSHALL DOUGLAS,)	Case No. 05-12373
)	Chapter 7
Debtor.)	
_____)	
NANCY EVANS,)	
)	
Plaintiff,)	
v.)	Adv. No. 05-5575
)	
DAVID MARSHALL DOUGLAS,)	
)	
Defendant.)	
_____)	

JUDGMENT ON DECISION

Plaintiff Nancy Evans seeks to except from discharge under 11 U.S.C. § 523(a)(2)(A) her claims against debtor arising out of a construction project undertaken by debtor and not satisfactorily completed.

Upon hearing the evidence at trial, the Court concludes that plaintiff has failed to sustain her burden of proof on this discharge exception. Plaintiff has failed to show that debtor made a false representation with the intent to deceive her. In addition, plaintiff failed to prove that debtor had no intention to perform the construction project when the contract was entered into.

JUDGMENT is therefore entered in favor of DEFENDANT David Douglas on the plaintiff's complaint; the plaintiff shall bear her costs. Plaintiff's claim against debtor arising out of the pre-petition construction contract is therefore discharged.

#