

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
Civil No. 1:11-CV-74

FILED  
IN COURT  
ASHEVILLE, N.C.  
APR 05 2012  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

FEDERAL DEPOSIT INSURANCE )  
CORPORATION, as Receiver for )  
THE BANK OF ASHEVILLE, )

Plaintiff, )

v. )

COLLIER DIMITRIS MARKET )  
HOLDINGS, LLC )  
and NICHOLAS E. DIMITRIS )

Defendants. )  
\_\_\_\_\_ )

**CONSENT JUDGMENT**

Plaintiff Federal Deposit Insurance Corporation and Defendants Collier Dimitris Market Holdings, LLC and Nicholas E. Dimitris hereby agree that judgment be entered by the Court without trial or adjudication of any facts or law applicable to this action as follows:

1. Plaintiff commenced this action on July 30, 2010 by filing a civil summons and complaint.
2. Plaintiff and Defendants have agreed to settle this action without trial and have compromised and settled all matters pending between them.

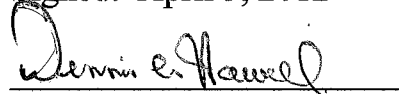
3. Defendants admit the jurisdiction of this Court with respect to the subject matter of this action and of the parties and have entered or now enter a general appearance.

4. The parties waive the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
DECREED THAT:

Judgment is entered for Plaintiff against Defendants Collier Dimitris Market Holdings, LLC and Nicholas E. Dimitris, jointly and severally, in the amount of \$960,566.70, together with interest at the rate of \$172.43 per diem from the 26<sup>th</sup> day of July, 2010, through the date of entry of this judgment, as well as attorneys' fees in the amount of \$144,085.00, with interest on the total amount of said judgment accruing from the date of entry of this judgment at the legal rate. The costs of this action are taxed to Defendants.

Signed: April 5, 2012



Dennis L. Howell  
United States Magistrate Judge

CONSENTED AND AGREED TO:

**FEDERAL DEPOSIT  
INSURANCE CORPORATION,  
AS RECEIVER FOR THE BANK  
OF ASHEVILLE**

By: Robert A. Mays

Robert A. Mays  
N.C. State Bar No. 34090  
Esther E. Manheimer  
N.C. State Bar No. 25712  
Mark A. Pinkston  
N.C. State Bar No. 16789  
**VAN WINKLE, BUCK, WALL  
STARNES AND DAVIS, P.A.**  
Post Office Box 7376  
Tel.: (828) 258-2991  
Fax: (828) 257-2767  
Asheville, NC 28802-7376  
*Attorneys for Plaintiff Federal  
Deposit Insurance Corporation, as  
Receiver for The Bank of Asheville*

**COLLIER DIMITRIS MARKET  
HOLDINGS, LLC**

By Nicholas E. Dimitris

Nicholas E. Dimitris, Member-  
Manager  
509 SONDDLEY DRIVE SOUTH  
ASHEVILLE NC 28805

**NICHOLAS E. DIMITRIS**

Nicholas E. Dimitris  
Nicholas E. Dimitris  
509 SONDDLEY DRIVE SOUTH  
ASHEVILLE NC 28805

David R. Pryme  
David R. Pryme, P.A. for Collier Dimitris  
Market Holdings, LLC  
One N. Park Sq Ste 500  
Asheville NC 28801  
828-258-0076