

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

LARRY LOVINS, D/B/A
APPALACHIAN HOME CENTER,
a Kentucky Business and TRI-STATE
HOTELS, LLC, a Kentucky Limited Liability
Company

Civil Action No. 13-C-1796
The Honorable Charles E. King

Plaintiffs,

v.

JAI SAI, LLC, a West Virginia
Limited Liability Company; NATIONAL
REPUBLIC BANK OF CHICAGO; RIVER
CITIES GLASS & CONSTRUCTION, LLC,
a Kentucky Limited Liability Company

ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

On April 7, 2014, Plaintiffs Larry Lovins d/b/a Appalachian Home Center and Tri-State Hotels, LLC, brought on for argument their Motion for Summary Judgment. Defendant Jai Sai, LLC, did not appear or otherwise oppose the Motion. The Court, having found that said Motion was duly noticed, hereby **ORDERS, ADJUDGES AND DECREES** that the Motion is granted, in total, as it is unopposed.

Additionally, the Court hereby **ORDERS, ADJUDGES AND DECREES** as follows:

1. That Plaintiffs' respective mechanic's liens and accounts are valid;
2. That Plaintiff Appalachian Home Center is hereby awarded Twenty Three Thousand One Hundred Seventy-Seven Dollars a (\$23,177.00), plus pre and post judgment interest calculated at the current interest of judgment rate established by the Supreme Court of Appeals of West Virginia;
3. That Plaintiff Tri-State Hotels, LLC, is hereby awarded Six Hundred Thirty Thousand Dollars (\$630,000.00), plus pre and post judgment interest calculated at the current

me

mc
19

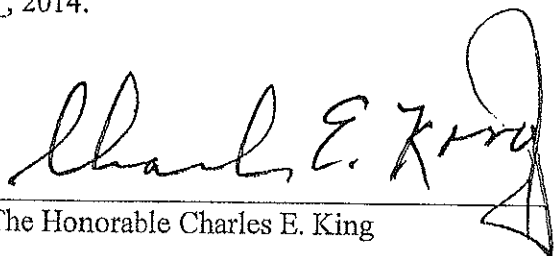
interest of judgment rate established by the Supreme Court of Appeals of West Virginia;

4. That Plaintiffs are hereby awarded their attorneys fees and costs incurred in seeking collection of the money owed, the amount of which will be determined upon the conclusion of this matter;
5. That Jai Sai, LLC's Counter-Claim be **DISMISSED**, with prejudice, as there is no evidence to support said claim;
6. That a hearing be scheduled to determine the priority of the liens and that counsel for Plaintiff is to notify, via regular U.S. Mail, the lien holders named as Defendants herein as to the time and date of said hearing;
7. Should the lien holders be able to agree as the priority of the liens prior to the date set for such a hearing, then said hearing will not be necessary;
8. That within 30-days of the date of entry of this Order, Defendant Jai Sai, LLC, shall provide to the Court and counsel for Plaintiffs an accounting of its monthly revenues so that a determination may be made as to whether the rents and profits of the subject property are sufficient to satisfy the liens within 5-years;
9. A hearing shall be scheduled by counsel for Plaintiff so that the Court may determine whether a decree of sale should be issued or if the rents and profits from the subject property are sufficient to satisfy Plaintiffs liens;
10. Counsel for Plaintiffs is hereby directed to provide, via regular U.S. Mail, a copy of this Order and notice of the hearing to determine whether a decree of sale should be issued to the other lien holders named as Defendants herein. **The Court hereby**

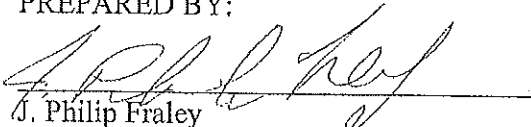
directs said Defendants that failure to participate in the determination of the priority of the liens and any future hearings may result in a waiver of their rights to protest or appeal any rulings adverse to them.

THE CLERK IS HEREBY DIRECTED TO SEND A COPY OF THIS ORDER
TO ALL COUNSEL OF RECORD.

Entered this 30TH day of April, 2014.


The Honorable Charles E. King

PREPARED BY:


J. Philip Fraley
West Virginia State Bar No. 9454
ORNDORFF HATFIELD & FRALEY
Village Professionals Building
99 Cracker Barrel Drive, Suite 100
Barboursville, WV 25504
Telephone: (304) 302-0500
Facsimile: (304) 302-0504

5-1-14
Date: 5-1-14
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other (please indicate)
By: J.P. Fraley
J. Woods
☒ certified/1st class mail
☐ fax
☐ hand delivery
☐ interdepartmental
Other directives accomplished
Deputy Clerk