

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION

2016 FEB -4 PM 1:19  
CATHY S. GALLISON, CLERK  
KANAWHA COUNTY CIRCUIT COURT

TM ASSOCIATES MANAGEMENT, INC.,  
a Maryland Corporation,

Plaintiff,

v.

Civil Action No.: 15-C-568  
Presiding: Judge Carl  
Resolution: Judge Evans

DEER FOREST LIMITED PARTNERSHIP,  
a West Virginia Limited Partnership, DYLAN  
HEIGHTS LIMITED PARTNERSHIP, a West  
Virginia Limited Partnership, OLD ASH VILLAGE  
LIMITED PARTNERSHIP, a West Virginia  
Limited Partnership, PAULI HEIGHTS LIMITED  
PARTNERSHIP, a West Virginia Limited Partnership,  
BARBARA HEIGHTS LIMITED PARTNERSHIP, a  
West Virginia Limited Partnership, BROOK VILLAGE  
LIMITED PARTNERSHIP, a West Virginia Limited  
Partnership, DUNHILL LIMITED PARTNERSHIP, a  
West Virginia Limited Partnership, HUDSON PLACE  
LIMITED PARTNERSHIP, a West Virginia Limited  
Partnership, VANMETER HEIGHTS LIMITED  
PARTNERSHIP, a West Virginia Limited Partnership,  
and WILSHERE LANDING LIMITED  
PARTNERSHIP, a West Virginia Limited Partnership,

Defendants.

**AGREED ORDER ADDING DOUGLAS E. PAULEY AS A DEFENDANT**

TM Associates Management, Inc. ("TMAM"), by counsel, and the Defendants, by counsel, mutually agree pursuant to their settlement agreement that Douglas E. Pauley, who is a resident of Kanawha County, West Virginia, should be added as a Defendant in his individual capacity in this action for the purposes of settlement. Therefore, it is hereby ORDERED that Douglas E. Pauley, individually, is hereby added as a Defendant for purposes of completing the settlement as set forth in the settlement agreement among the parties dated January 11, 2016.

22

The Clerk of this Court is hereby directed to send a certified copy of this Order to all parties of record.

Entered this 29 day of January, 2016.

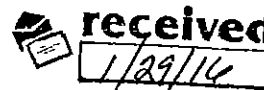


Honorable H. Charles Carl III, Presiding Judge

Prepared and submitted by:



Jared M. Tully (WV Bar No. 9444)  
Elizabeth A. Moore (WV Bar No. 12164)  
Frost Brown Todd LLC  
Laidley Tower – Suite 401  
500 Lee Street East  
Charleston, WV 25301  
*Counsel for TM Associates Management, Inc.*



Agreed to by:



Mark A. Ferguson  
Ferguson Law Office, PLLC  
230 Capitol Street, Suite 300  
Charleston, WV 25301  
*Counsel for Defendants*

STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, SS  
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY  
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY FROM THE RECORDS OF SAID COURT  
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 5th  
DAY OF February, 2016. Cathy S. Gatson CLERK  
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2/5/16  
Date: \_\_\_\_\_  
Certified copies sent to: JT  
MF  
☒ counsel of record  
☐ parties  
☐ other  
(please indicate)  
By: ☒ certified/1st class mail  
☐ fax  
☐ hand delivery  
☐ interdepartmental  
Other certified accomplished:  
A. Allison  
Deputy Circuit Clerk