

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

FILED

TM ASSOCIATES MANAGEMENT, INC.,
a Maryland Corporation,

Plaintiff,

2016 FEB 22 PM 2:52
CATHY V. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

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,
WILSHERE LANDING LIMITED PARTNERSHIP, a
West Virginia Limited Partnership, and DOUGLAS E.
PAULEY, individually.

Defendants.

AGREED ORDER DISMISSING CASE WITH PREJUDICE


TM Associates Management, Inc. ("TMAM"), by counsel, and the Defendants, by counsel, jointly represent that the parties have reached full and final settlement of all claims in the above-referenced action. The parties also jointly represent that this dismissal is contingent upon the parties' full compliance with the settlement agreement. If any party fails to fully perform their duties under the settlement agreement, the parties agree that this action may be reopened for the limited purpose of entering judgment pursuant to the settlement agreement.

Close
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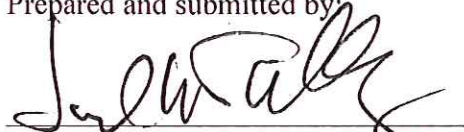
Therefore, the Court hereby **ORDERS** that all claims against the Defendants are **DISMISSED** with prejudice subject to the parties' full compliance with the settlement agreement.

The Clerk of the Court is **DIRECTED** to deliver a certified copy of this order to all counsel and parties of record.

Entered this 17th day of February, 2016.

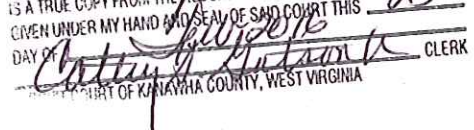

Honorable H. Charles Carl III, Presiding Judge

Prepared and submitted by:

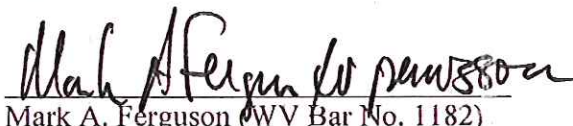


Jared M. Tully (WV Bar No. 9484)
Elizabeth A. Moore (WV Bar No. 12164)
Frost Brown Todd LLC
Laidley Tower – Suite 401
500 Lee Street East
Charleston, WV 25301
Counsel for TM Associates Management, Inc.



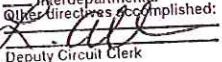
STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 23
DAY OF February, 2016
 CLERK
CLERK OF KANAWHA COUNTY, WEST VIRGINIA

Agreed to by:



Mark A. Ferguson (WV Bar No. 1182)
Ferguson Law Office, PLLC
230 Capitol Street, Suite 300
Charleston, WV 25301
Counsel for Defendants

FBT Law Documents 0130533.0622938 4848-2661-1244v1

Date: 2/23/16
Certified copies sent to: JT
counsel of record MF
parties
other
(please indicate)
By: ☒ certified/1st class mail
fax
hand delivery
interdepartmental
Other directions accomplished:

Deputy Circuit Clerk