

In the Circuit Court of Kanawha County, West Virginia

Harold D. Ward,
Plaintiff,

v.

Case No. CC-20-2020-C-282
Judge Christopher C. Wilkes

ERP Environmental Fund, Inc,
Defendant

Order Granting Motion of Receiver Authorizing Sale of Certain Real Estate Free and Clear of Liens, Claims, and Encumbrances

By motion of November 20, 2024, the Special Receiver sought permission of the Court to sell certain tracts of real estate in Marion, Boone, and Lincoln County, West Virginia, free and clear of liens, claims, and encumbrances. The Special Receiver listed the tracts proposed to be sold in Attachment 1 to its motion and stated that the sale price represented fair market value for Receivership Estate assets.

The Special Receiver represents that it has performed a commercially reasonable search for liens and encumbrances on the tracts listed in Attachment 1 and that the tracts in Marion and Lincoln County are not subject to liens. Having reviewed the motion and heard such parties as desired to be heard, and finding no party or recipient on the Special Service List had any objection, the Court hereby GRANTS the motion and FINDS and ORDERS as follows:

As to the tracts of real property listed in Attachment 1 of the Special Receiver's motion filed by letter dated November 20, 2024, the Court finds that the Special Receiver has undertaken a commercially reasonable review of liens and encumbrances. Accordingly, the Special Receiver may sell the real property free and clear of all liens and encumbrances. Furthermore, the Special Receiver is authorized to execute any documents necessary to effectuate the sale of the listed properties with one or more auctioneers, agents, or brokers, of the Special Receiver's choosing if needed.

The Court also considers and finds that this Order, and the findings made herein,

recognizes the existence and enforceability of the federal court's Second Modified Consent Decree, to the extent it is applicable. Further, the Court notes that nothing in this Order should be construed to modify or otherwise affect the terms and conditions of the Second Modified Consent Decree, or its applicability or enforceability. The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office electronically.

Enter: December 4, 2024

/s/ Christopher C. Wilkes
Circuit Court Judge
13th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtsww.gov/e-file/ for more details.