

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF SCOTT

NOV 20 2009 A

FIRST JUDICIAL DISTRICT

SCOTT COUNTY COURTS

Case Type: Mechanic's Lien Foreclosure

In re M.W. Johnson Construction, Inc.
Mechanic's Lien Foreclosure Litigation

Consolidated Master Court File: 70-CV-09-7343

Judge: Jerome B. Abrams

Stewart Plumbing, Inc.,

Scott County Court File: 70-CV-09-8117

Plaintiff,

Wright County Court File No. 86-CV-08-5154

vs.

**STIPULATION OF PARTIAL DISMISSAL
WITH PREJUDICE;**

Dawn Cox, Keith Cox, M.W. Johnson
Construction, Inc., Mortgage Electronic
Registration Systems, Inc., PHM
Financial Incorporated, d/b/a
Professional Home Mortgage, William
Johnson, Maureen Johnson, John Doe,
Mary Roe, XYZ Corporation and ABC
Partnership, and XYZ Corporation,

**ORDER FOR PARTIAL DISMISSAL WITH
PREJUDICE AND PARTIAL JUDGMENT**

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants Dawn Cox, Keith Cox (the "Coxes") and PHM Financial Incorporated, d/b/a Professional Home Mortgage, by and through their undersigned attorneys, as follows:

1. Count III of Stewart's Complaint for unjust enrichment against the Coxes shall be dismissed with prejudice on the merits and without an award of costs, disbursements or attorney's fees to any party.
2. Any party to this Stipulation without prior notice to any other party may cause an order for partial judgment to be entered herein.

CHRISTENSEN & LAUE, P.A.

Dated: October 14th, 2009

By: 

Susanne M. Glasser (#0272978)

5101 Vernon Avenue South, Suite 400

Edina, Minnesota 55436

(952) 927-8855

Attorney for Plaintiff Stewart Plumbing, Inc.

COLEMAN, HULL & VAN VLIET, PLLP

Dated: October 14, 2009

By: 

Katherine M. Melander (#180464)

Steven R. Little (#0304244)

8500 Normandale Lake Boulevard

Suite 2110

Minneapolis, Minnesota 55437

(952) 841-0001

Attorneys for Defendants

Dawn Cox, Keith Cox and PHM Financial

Incorporated, d/b/a Professional Home Mortgage

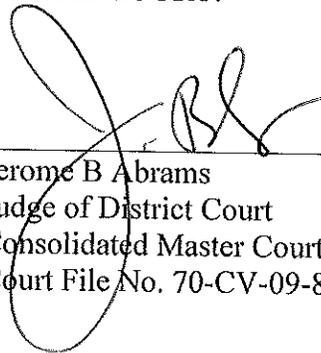
ORDER FOR PARTIAL DISMISSAL WITH PREJUDICE AND PARTIAL JUDGMENT

Pursuant to the foregoing Stipulation of Partial Dismissal entered into by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants Dawn Cox, Keith Cox (the "Coxes") and PHM Financial Incorporated, d/b/a Professional Home Mortgage, by and through their attorneys, the Court makes the following **ORDER**:

1. The parties' Stipulation of Partial Dismissal with Prejudice is hereby approved in all respects.
2. Count III of Stewart's Complaint against the Coxes for unjust enrichment is hereby dismissed **WITH PREJUDICE**, on the merits and without an award of costs, disbursements or attorneys' fees to any party.

THERE BEING NO JUST REASON FOR DELAY, LET PARTIAL JUDGMENT BE ENTERED FORTHWITH.

BY THE COURT:



Jerome B Abrams
Judge of District Court
Consolidated Master Court File No. 70-CV-09-7343
Court File No. 70-CV-09-8117

Dated: Nov 19, 2009

JUDGMENT

I DO HEREBY CERTIFY THAT THE FOREGOING ORDER
CONSTITUTES THE JUDGMENT OF THIS COURT.

DATE 11-20-09
GREGORY M. ESS
COURT ADMINISTRATOR, SCOTT COUNTY, MINN.

DEPUTY Audrey K. Berman