

STATE OF MINNESOTA
COUNTY OF SCOTT

FILED
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SCOTT COUNTY COURTS

DISTRICT COURT
FIRST JUDICIAL DISTRICT
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-09-7935

Plaintiff,

Dakota County Court File: 19HA-CV-08-1880

vs.

**STIPULATION OF PARTIAL DISMISSAL
WITH PREJUDICE;**

John S. Dwyer and Elizabeth A.
Dwyer, M.W. Johnson Construction,
Inc., American Residential Mortgage
LLP, Cemstone Products, John Doe,
Mary Roe, XYZ Corporation, and ABC
Partnership,

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

Defendants.

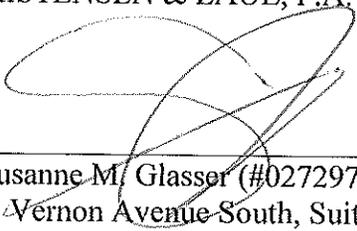
IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants John S. Dwyer and Elizabeth A. Dwyer (the "Dwyers"), and American Residential Mortgage LLP, by and through their undersigned attorneys, as follows:

1. Count II of Stewart Plumbing, Inc.'s Complaint for unjust enrichment against the Dwyers 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.

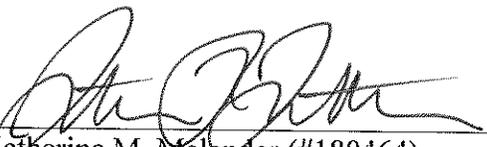
CHRISTENSEN & LAUE, P.A.

Dated: October 14, 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)
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Attorneys for Defendants
John S. Dwyer, Elizabeth A. Dwyer
and American Residential Mortgage, LLP

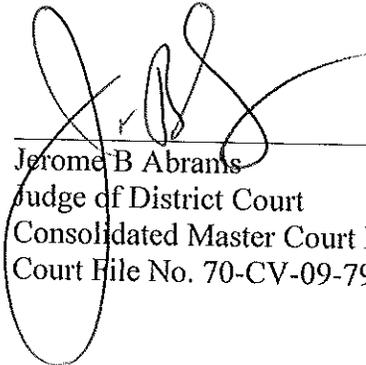
ORDER FOR PARTIAL DISMISSAL WITH PREJUDICE AND PARTIAL JUDGMENT

Pursuant to the foregoing Stipulation of Partial Dismissal entered into by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), John S. Dwyer and Elizabeth A. Dwyer (the "Dwyers"), and American Residential Mortgage LLP, 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 II of Stewart's Complaint against the Dwyers 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-09-7935

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 Brown