

STATE OF MINNESOTA
COUNTY OF SCOTT

DISTRICT COURT
FIRST JUDICIAL DISTRICT

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

FILED
OCT 23 2009 *A*
SCOTT COUNTY COURTS

The Honorable Jerome B. Abrams
Court File No. 70-CV-09-7343

STATE OF MINNESOTA
COUNTY OF SCOTT

DISTRICT COURT
FIRST JUDICIAL DISTRICT

Superior Masonry & Concrete, Inc.,
a corporation,

Case Type: Mechanic's Lien Foreclosure

Court File No. 70-CV-08-10431

Plaintiff,

vs.

**STIPULATION OF DISMISSAL
AND ORDER FOR DISMISSAL
AND JUDGMENT**

M.W. Johnson Construction, Inc.; Bounlab
Xayarath and Vatsana Phongsavath; Mortgage
Electronic Registration Systems, Inc.; Bell
America Mortgage, LLC; Wenzel Plumbing &
Heating, Inc.; Elite Waste Disposal, John Doe
and XYZ Corporation,

Defendants.

and

STATE OF MINNESOTA
COUNTY OF SCOTT

DISTRICT COURT
FIRST JUDICIAL DISTRICT

Wenzel Plumbing & Heating, Inc.,

Case Type: Mechanic's Lien Foreclosure

Plaintiff,

vs.

M.W. Johnson Construction, Inc.; Keybank
National Association; Tollefson Development, Inc.;
Bounlab Xayarath and Vatsana Phongsavath;
Mortgage Electronic Registration Systems, Inc.,
as nominee for Bell America Mortgage LLC,
d/b/a Bell Mortgage; Superior Masonry &

Concrete, Inc.; Elite Waste Disposal; XYZ Corporation; ABC Partnership; John Doe and Mary Roe, whose true names are to the Plaintiff unknown,

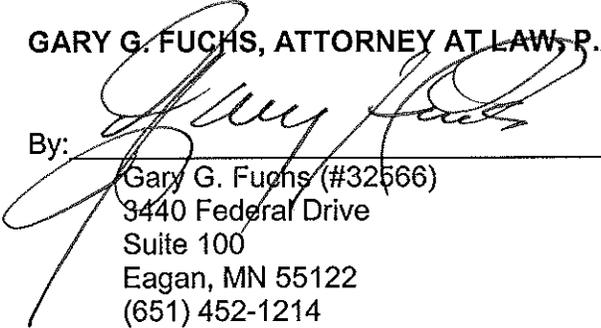
Defendants.

IT IS HEREBY STIPULATED AND AGREED by Wenzel Plumbing & Heating, Inc., Bounlab Xayarath, Vatsana Phongsavath, and Mortgage Electronic Registration Systems, Inc., as nominee for Bell America Mortgage LLC, d/b/a Bell Mortgage, by and through their undersigned counsel, that Wenzel Plumbing & Heating, Inc.'s claims for unjust enrichment against Bounlab Xayarath, Vatsana Phongsavath and Mortgage Electronic Registration Systems, Inc., as nominee for Bell America Mortgage LLC, d/b/a Bell Mortgage in the above-entitled action, are hereby dismissed with prejudice and without costs and disbursements to any of the parties hereto.

The District Court Administrator of the above-named Court is hereby authorized and directed to enter of record in the above-entitled action this Stipulation of Dismissal with Prejudice.

Dated: 10/9/09

GARY G. FUCHS, ATTORNEY AT LAW, P.A.

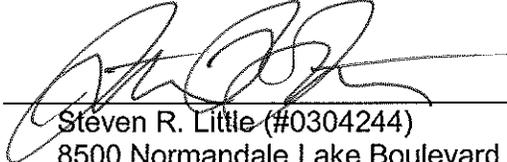
By: 

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Attorney for Wenzel Plumbing & Heating, Inc.

COLEMAN, HULL & VAN VLIET, PLLP

Dated: October 14

By 

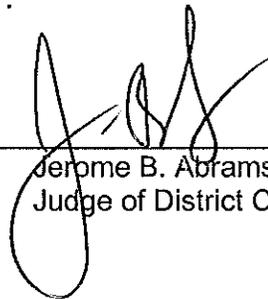
Steven R. Little (#0304244)
8500 Normandale Lake Boulevard
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Minneapolis, Minnesota 55437
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Attorney for Defendants
Bounlab Xayarath, Vatsana Phongsavath
and Mortgage Electronic Registration
Systems, Inc., as nominee for Bell
America Mortgage, LLC d/b/a Bell
Mortgage

ORDER FOR DISMISSAL

The above-entitled matter, having come before the Court pursuant to the above STIPULATION OF DISMISSAL, is hereby DISMISSED as to the unjust enrichment claims brought by Wenzel Plumbing & Heating, Inc. against Bounlab Xayarath, Vatsana Phongsavath and Mortgage Electronic Registration Systems, Inc., as nominee for Bell America Mortgage LLC, d/b/a Bell Mortgage, with prejudice, and without costs or disbursements to any party.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: 10-14-09

By: 
Jerome B. Abrams
Judge of District Court

JUDGMENT

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

DATE 10-23-09
GREGORY M. ESS
COURT ADMINISTRATOR, SCOTT COUNTY, MINN.

DEPUTY Audrey K. Brown