

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No.:1:10-cv-00138-GCM-DLH

FIRST MERCURY INSURANCE)
COMPANY, an Illinois corporation,)
)
Plaintiff,)
)
vs.)
)
GHOST TOWN PARTNERS LLC, d/b/a)
Ghost Town in the Sky,)
)
Defendant,)
)
KURT BIEDLER and wife, TAMMY)
JONES,)
)
Intervening Defendants.)

FINAL JUDGMENT

**[PROPOSED] JUDGMENT AGAINST
GHOST TOWN PARTNERS, LLC, dba Ghost Town in the Sky**

First Mercury policy number EPIL000180 (the .Policy.) issued to Ghost Town was cancelled prior to February 5, 2010;

First Mercury.s receipt of First Insurance Funding Corp..s notice of cancellation of the Policy in accordance with North Carolina General Statute § 58-35-85 effected a valid cancellation of the Policy;

The Policy was cancelled no later than February 3, 2010, and thus was not in effect on February 5, 2010;

First Mercury has no duty to defend or further investigate any claims arising out of the February 5, 2010 Landslide; and

First Mercury has no duty to indemnify Ghost Town as to any claims arising out of the February 5, 2010 Landslide.

Signed: July 1, 2011

A handwritten signature in black ink that reads "Frank G. Johns". The signature is written in a cursive style and is positioned above a horizontal line.

Frank G. Johns, Clerk
United States District Court

