

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

E. SCOTT BRADLEY  
JUDGE

SUSSEX COUNTY COURTHOUSE  
1 The Circle, Suite 2  
GEORGETOWN, DE 19947

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

LEHMAN CAPITAL, a division of	:	C.A.. No. 03L-11-029
LEHMAN BROTHERS HOLDINGS,	:	
INC., a Delaware corporation,	:	
Assignee of Windover Financial	:	
Services Corporation, a North	:	
Carolina Corporation, Assignee of	:	
International Mortgage Corporation,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
SUDLER LOFLAND, Personal	:	
Representative of the Estate of	:	
Hester S. Monroe,	:	
	:	
Defendant.	:	

ORDER

IT IS HEREBY ORDERED, this 27<sup>th</sup> day of September, 2005, that:

1. The plaintiff's complaint is dismissed with prejudice;
2. The mortgage, which is the subject of this action, originally between Hester S. Monroe, as mortgagor, and International Mortgage Corporation, as mortgagee, in the principal amount of \$120,852.00, dated March 20, 1997, and recorded in the Sussex County, Delaware, Recorder of Deeds Office in Mortgage Book 2432, Page 228, is deemed "satisfied of record" and the property that was encumbered by such mortgage, 617 Seabury Avenue, Milford, Sussex County, Delaware, is released from the lien of such mortgage;
3. Costs are assessed against the plaintiff; and
4. The defendant's attorney's fees of \$13,243.80, together with interest thereon at the applicable legal rate from the date of this Order, are assessed against the plaintiff and are to be paid

by the plaintiff to the defendant within 10 calendar days of the date of this Order.

This Order was entered because the plaintiff (1) failed to follow the rules of the Court regarding discovery, (2) willfully refused to comply with the Court's order directing the plaintiff to provide to the defendant certain financial information which was at the center of the dispute between the parties, and (3) failed to abide by the pre-trial scheduling order regarding the trial date, resulting in the trial having to be rescheduled the day before the trial because the plaintiff's witness did not make arrangements to travel to Delaware for the trial.

**IT IS SO ORDERED.**

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Judge E. Scott Bradley

ESB: lsm

OC: Prothonotary's Office

CC: Thomas D. H. Barnett, Esquire

Martin J. Cosgrove, Esquire