

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CAPITALSOURCE BANK

PLAINTIFF

v.

CASE NO. CV-3:10 CV00325 JMM

**WALCOTT ENTERPRISES, INC. AND
JONES TRAVEL MART, INC.**

DEFENDANTS

**NORTHCHASE DEVELOPMENT, INC.;
TIMOTHY J. LEATHERS, COMMISSIONER
OF REVENUES, STATE OF ARKANSAS;
BENNY MAGNESS AND JANIE MAGNESS;
THE CAPITAL BANK; DMC & JRM LLC,
DAVID COOK AND JACKIE McCLURE;
AND PEPSIAMERICAS, INC.**

SEPARATE DEFENDANTS

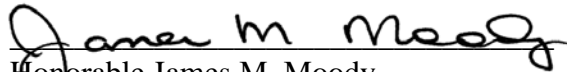
AGREED ORDER

On this day came on for consideration the Unopposed Motion to Terminate Payment of Rent into Registry of Court (hereinafter, "Motion") filed by Northchase Development, Inc. ("Northchase") on September 8, 2011 (Doc. #30). Upon the agreement of the Plaintiff, CapitalSource Bank ("CapitalSource") and separate Defendants, Northchase, DMC and JRM, LLC, David Cook and Jackie McClure, the Court finds that the Motion should be approved.

IT IS THEREFORE ORDERED that (i) the obligation of DMC and JRM, LLC, David Cook and Jackie McClure to pay rent into the registry of the Court shall terminate effective immediately, (ii) commencing with the September, 2011 rent payment, DMC and JRM, LLC, David Cook and Jackie McClure shall pay their monthly rental obligation of \$12,000.00 in separate monthly payments of \$8,423.00 to CapitalSource, it successors and assigns and \$3,577.00 to Northchase, so long as Northchase is the owner of the real property involved in this

proceeding and maintains insurance on the property as required by the Plaintiff's mortgages, (iii) Northchase shall provide proof of payment of insurance to CapitalSource, its successors and assigns, (iv) the Clerk of this Court shall promptly distribute the funds held in the registry of the Court in the amounts of \$58,961.00 to CapitalSource and \$25,039.00 to Northchase with any interest earned on the funds held in the registry of the Court to be paid to CapitalSource, and (v) Northchase shall be responsible to maintain the existing insurance coverage on the subject properties and pay the premium associated with such coverage as required under the mortgages and name CapitalSource, its successors and assigns as an additional loss payee unless Northchase's interest in the property involved in this proceeding is extinguished through foreclosure as provided in the mortgages.

IT IS SO ORDERED.


Honorable James M. Moody
United States District Judge

Date: September 9, 2011

APPROVED:

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