

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ERDMAN COMPANY and ERDMAN
ARCHITECTURE & ENGINEERING
COMPANY

PLAINTIFFS

v.

CASE NO.: 2:10-cv-2045-SOH (*Lead Case*)

PHOENIX LAND & ACQUISITION, LLC;
PHOENIX HEALTH, LLC

DEFENDANTS

ERDMAN COMPANY and ERDMAN
ARCHITECTURE & ENGINEERING COMPANY

THIRD-PARTY PLAINTIFFS

v.

DATA TESTING, INC.,
OTIS ELEVATOR COMPANY, and
LONG'S DRILLING SERVICE, INC.

THIRD PARTY DEFENDANTS

PHOENIX HEALTH, LLC AND
IPF, LLC

PLAINTIFFS

v.

CASE NO.: 2:11-cv-2067-SOH (*Member Case*)

ERDMAN ARCHITECTURE &
ENGINEERING COMPANY AND OTIS
ELEVATOR COMPANY

DEFENDANTS

FINAL ORDER DISCHARGING THE BOND TO RELEASE CONTRACTOR'S LIEN

THIS CAUSE having come before the Court on the Joint Motion of the Parties to Discharge the Bond to Release Contractor's Lien, Bond Number 105546807 (the "Bond"), posted by Travelers Casualty and Surety Company of America, as Surety, in the referenced case in the amount of Two Million Seven Hundred Twenty One Thousand Eight Hundred Fifty Two and 00/100 Dollars (\$2,721,852.00) at the request of Phoenix Health, LLC, as Principal.


It appearing to the Court that Phoenix Health, LLC has previously provided, and the Clerk of the Court has previously accepted, the Bond complying with Ark. Code Ann. § 18-44-118 in order to release the following described real property from the mechanic's liens claimed by Erdman Company and Erdman Architecture & Engineering Company:

Lots A, B, and C Hillsboro Estate, Lots A-C being a replat of Hillsboro Estate
Lots A-C an addition to the City of Fort Smith, Fort Smith District, Sebastian
County, Arkansas, according to plat filed October 13, 2008

It further appearing to the Court that because the parties have settled the claims, therefore, the Bond is no longer required and should be discharged and Travelers Casualty and Surety Company of America and its parents, affiliates and subsidiaries ("Travelers") should be released from any and all liability.

IT IS HEREBY ORDERED AND ADJUDGED that the Bond is no longer required and is hereby fully and unconditionally discharged, released and exonerated and Travelers is hereby released from any and all past, present and future liability arising under or in connection with the issuance of the Bond.

Dated this 4th day of October, 2013.


HON. SUSAN O. HICKEY
UNITED STATES DISTRICT JUDGE