

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

PARK HILL ASSOCIATES, LLC PLAINTIFF

v. Civil No. 08-5211

G.N. CONTRACTORS, LLC DEFENDANT

and

G.N. CONTRACTORS, LLC THIRD-PARTY PLAINTIFF

v.

ARKANSAS NATIONAL BANK;
ANB VENTURE, LLC; and CRAFTON,
TULL, SPARKS & ASSOCIATES, INC. THIRD-PARTY DEFENDANTS

and

ANB VENTURE, LLC THIRD-PARTY PLAINTIFF
and COUNTER-CLAIMANT

v.

PARK HILL ASSOCIATES, LLC,
and STEVE DAVIS, THIRD-PARTY DEFENDANTS
and G.N. CONTRACTORS, LLC COUNTER-DEFENDANT

and

STEVE DAVIS THIRD-PARTY PLAINTIFF

v.

PARK HILL ASSOCIATES, LLC, CROSS-DEFENDANT
and JOHN TAYLOR; HARVE TAYLOR;
CHARLES HART; and TAYLOR HART LLC THIRD-PARTY DEFENDANTS

and

RAINMAKER GROUP LLC

INTERVENOR

v.

PARKHILL ASSOCIATES, LLC, HARVE
TAYLOR, CHARLES HART, and
TAYLOR HART, LLC

DEFENDANTS IN INTERVENTION

AMENDED AND SUBSTITUTED JUDGMENT

Now on this 28th day of February, 2011, the Court enters this Amended And Substituted Judgment, to delete the following sentence from the Judgment entered on August 9, 2010: "The purchaser at the sale of such property will be declared to have the right of immediate possession, and will be entitled to a writ of assistance executed by the Clerk of Court to enforce such possession."

For reasons set forth in a Memorandum Opinion dated August 9, 2010, the Court enters Judgment as follows:

IT IS ORDERED that ANB Venture, LLC, have and receive judgment against Parkhill Associates, LLC, and Steve Davis, jointly and severally, in the sum of Four Million Two Hundred Forty-Nine Thousand Two Hundred Thirty-Eight and 63/100 Dollars (\$4,249,238.63), with interest thereon at the rate of .27% per annum until paid.

IT IS FURTHER ORDERED that if this Judgment be not paid within ten (10) days from the set forth above, the United States Marshal for the Western District of Arkansas shall conduct a judicial sale, according to law, of the following described real property in Benton County, Arkansas:

Part of the NE 1/4 of the SW 1/4 and part of the SE 1/4 of the SW 1/4 of Section 26, Township 20 North, Range 31 West, Benton County, Arkansas, being more particularly described

as follows: Beginning at the NE corner of said S/2 of the NE 1/4 of the SE 1/4, thence South 02 Degrees 29 Minutes 18 Seconds West 864.83 feet to a point in Elm Tree Road, thence North 87 Degrees 34 minutes 18 Seconds West 673.32 feet; thence North 00 Degrees 12 Minutes 13 Seconds East 46.99 feet, thence North 87 Degrees 44 Minutes 33 Seconds West 644.16 feet to the West line of said SE 1/4 of the SW 1/4, thence North 02 Degrees 32 Minutes 22 Seconds East 849.83 feet, thence South 86 Degrees 16 Minutes 02 Seconds East 1318.90 feet to the Point of Beginning. This property is subject to a 60 foot wide easement as per Warranty Deed recorded May 12, 1975, in Deed Record 486 at page 194 and as shown in Plat Record 6-249. Also subject to any other easements of record or fact.

IT IS FURTHER ORDERED that proceeds of this sale be applied first to the costs of sale; second to satisfaction of this Judgment; and third to the interests of Parkhill Associates, LLC, and Steve Davis in the above-described real property, as they may appear.

IT IS FURTHER ORDERED that upon sale of the above-described real property, all rights, title, interest, estate, and legal or equitable right to redeem of Parkhill Associates, LLC, and Steve Davis, and any and all persons claiming under them, will be foreclosed and forever barred.

IT IS FURTHER ORDERED that the Court will retain jurisdiction of this matter, until such time as satisfaction of this Judgment may be entered, or until final sale of the above-described real property may be conducted and the proceeds distributed.

IT IS SO ORDERED, this 28th day of February, 2011, *nunc pro tunc* August 9, 2010.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT COURT