

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION**

**NATIONWIDE LIFE AND ANNUITY
INSURANCE COMPANY, formerly
NATIONWIDE LIFE AND ANNUITY
COMPANY OF AMERICA, formerly
PROVIDENTMUTUAL LIFE AND
ANNUITY COMPANY OF AMERICA**

PLAINTIFF

V.

CASE NO. 12-6058

**JOEL P. WALL, in his capacity as
the Trustee of The Cleveland S. Smith
Revocable Trust; SHERRY LYNN SMITH,
individually and in her Capacity as
Administrator of the Estate of Cleveland S. Smith;
CLEVELAND JACOB "NERO" SMITH, individually**

DEFENDANTS

AGREED ORDER

Pending before the Court is Plaintiff Nationwide Life and Annuity Insurance Company's ("Nationwide's") Motion to Interplead Funds. [Doc. # 8]. Separate Defendants Sherry Lynn Smith and Cleveland Jacob "Nero" Smith have responded. [Doc. # 9 and # 10]. Separate Defendant Joel P. Wall did not file a response, and his time for doing so has expired.

Nationwide is hereby given permission to interplead the Policy proceeds, minus its attorneys' fees and costs as described below, into the registry of the Court. When Nationwide deposits this sum into the registry of the Court, the Court shall enter an Order dismissing Nationwide from this action with prejudice. Each of the parties to this action will be henceforth barred from proceeding further or instituting any type of action against

Nationwide to obtain any money or benefits associated with the Policy at issue in this lawsuit, Policy Number 4,315,309.

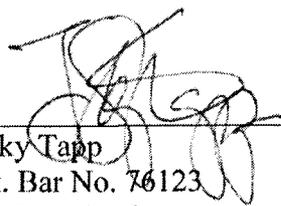
Nationwide is hereby awarded \$7,548.02 for its fees and costs associated with this matter.

The Clerk is hereby directed to receive the sum of \$2,809,857.66, plus applicable interest, minus \$7,548.02 in fees and costs, from Nationwide and to deposit that sum into an interest-bearing account pending further orders from the Court.

IT IS SO ORDERED this 18th day of July, 2012.


U.S. DISTRICT JUDGE

APPROVED AND AGREED:



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*Attorney for Sherry Lynn Smith, individually
and in her Capacity as Administrator of the
Estate of Cleveland S. Smith*

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

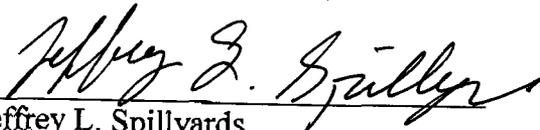
JUL 18 2012

CHRIS R. JOHNSON, Clerk
By
Deputy Clerk



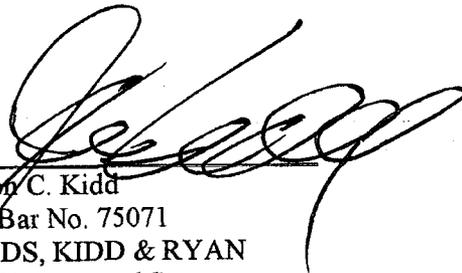
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