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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

PEACEFUL VIEW PROPERTIES, LLC
and D. STEPHEN SORENSEN,
individually and as Trustee of the
SORENSEN FAMILY TRUST,

Plaintiffs,

Case No. CV 12-09212 CAS (AJWx)

**~~PROPOSED~~ ORDER FOR
DISMISSAL WITH PREJUDICE
PURSUANT TO SETTLEMENT;
F.R. CIV. P. 41(A)(2)**

vs.

BANK OF AMERICA, N.A.,
THE TRAVELERS INDEMNITY
COMPANY, and DOES 1 through 50,
inclusive,

Defendants.

AND RELATED COUNTER-CLAIMS

1 This case having been settled pursuant to a Settlement Agreement dated as of
2 July 8, 2014, a copy of which without exhibits has been filed with the Court, and
3 pursuant to the stipulation of the parties.

4 **IT IS HEREBY ORDERED:**

5 1. Capitalized terms not defined in this order shall have the meanings
6 ascribed thereto in the Settlement Agreement.

7 2. This action, including the complaint and all counter- and cross-claims,
8 are hereby dismissed with prejudice; provided, however, that this dismissal does not
9 affect: (a) Bank's rights under and to enforce the PVP Loan Documents in the event
10 of a default thereunder after the Closing; and (b) any rights which Bank may have to
11 recover from a Sorensen Party or Parties if Bank is forced to or reasonably determines
12 to return or pay to a trustee, debtor in possession or similar creditor representative
13 amounts paid to Bank under the L/C Agreement or the Settlement Agreement if such
14 payment is alleged to be a "preference", fraudulent transfer or similarly avoidable
15 transfer.

16 3. No costs or attorney fees shall be awarded in this action. Nothing in this
17 order alters the terms of the Settlement Agreement providing for the payment and
18 recovery of attorney fees, costs and other expenses.

19 **IT IS SO ORDERED.**

20
21 Dated: July 23, 2014

By: 

Hon. Christina A. Snyder
United States District Court Judge