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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BETTER HOMES REALTY, INC.

Plaintiff(s),

No. C 07-3058 PJH

v.

ORDER OF DISMISSAL

LAWRENCE VECCHIO, et al.,

Defendant(s).

The parties hereto, by their counsel, having advised the court that they have agreed to a settlement of this cause, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty (60) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

The parties may substitute a dismissal **with** prejudice simply by submitting a stipulation and order for dismissal with prejudice within sixty (60) days.

SO ORDERED.

Dated: February 7, 2008



PHYLLIS J. HAMILTON
United States District Judge