

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-cv-01225 WYD-MJW

KEITH A. SCHWARTZ,

Plaintiff,

v.

BANK OF AMERICA, N.A.
BILL WALLACE IN HIS CAPACITY AS
PUBLIC TRUSTEE, SUMMIT COUNTY, COLORADO

Defendants.

ORDER

This matter comes before the Court on the parties' joint Stipulation For Judgment, [ECF No. 92], filed November 16, 2011. After a careful review of the file and the joint stipulation, it is hereby

ORDERED, that judgment shall enter in favor of Defendant Bank of America, N.A. on its claim for breach of contract and that judgment should enter against Keith A. Schwartz in the amount of \$1,680,065.05, and post judgment interest of 6.375%, plus costs and attorney fees of collecting on this judgment. It is

FURTHER ORDERED, that the trial set for December 7, 2011 and the Trial Preparation Conference set for November 21, 2011 are **VACATED**. It is

FURTHER ORDERED, that Defendant Bank of America's Motion in Limine to Exclude Testimony of Plaintiff's Expert Curtis Novy [ECF No. 91], filed October 21, 2011 is **DENIED as MOOT** in light of the parties' Stipulation for Judgment and this Order.

Dated: November 16, 2011.

BY THE COURT:

s/ Wiley Y. Daniel

Wiley Y. Daniel

Chief United States District Judge