

Plaintiff and Michael A. Hackard and requested the claims against Defendant Hackard be dismissed without prejudice. Thereafter, the Court took notice that Defendant Theodore J. Holt is now deceased and that his estate has been substituted in this matter in accordance with law. Plaintiff presented evidence of Defendant, Estate of Theodore J. Holt's, present level of indebtedness.

Having heard the statements of counsel and considered the evidence, the Court finds the remaining Defendant, the Estate of Theodore J. Holt, indebted to Plaintiff in the principal amount of \$409,797.27, together with interest thereon at 9% per annum from and after April 16, 2009, through the date of this judgment and thereafter until the judgment is paid in full. Accordingly, it is

ORDERED that judgment is **GRANTED** to Plaintiff against Defendant, the Estate of Theodore J. Holt, in the sum of \$409,797.27, together with interest thereon at 9% per annum from and after April 16, 2009, through the date of this judgment and thereafter until the judgment is paid in full, together with Plaintiff's costs incurred herein.

IT IS FURTHER ORDERED that Plaintiff's verbal motion to dismiss its claims against Defendant Michael A. Hackard is hereby **GRANTED**, and the claims against him are hereby **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that judgment is **GRANTED** in favor of Third Party Defendants and against Defendants on the Third Party Petition.

IT IS SO ORDERED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: December 22, 2009