

UNITED STATES FEDERAL DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
(COLUMBUS DIVISION)

<p><b>TEXTRON FINANCIAL CORPORATION</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;">vs.</p> <p><b>INDIAN LAKE POWER SPORTS, INC.</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CASE NO. 2:07-CV-00557</b></p> <p><b>JUDGE EDMUND A. SARGUS</b></p> <p><b><u>CONSENSUAL ORDER OF</u></b></p> <p><b><u>POSSESSION</u></b></p>
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This cause came to be heard on the *Emergency Motion of Plaintiff Textron Financial Corporation* [(“Plaintiff”)] for an *Order of Possession of Specific Property without Notice or Hearing* [Docket No. 4] (the “Plaintiff’s Motion”), filed on June 12, 2007. On the same day, the Court entered a certain *Order* [Docket No. 8] (the “June 12 Order”), restraining defendant Indian Lake Power Sports, Inc. (“Indian Lake” and together with Plaintiff, the “Parties”) from selling, transferring, or assigning any of the items of personal property subject to the Plaintiff’s Security Interest. The Order expires at 5:00 p.m. eastern time on Monday, June 18, 2007. Pursuant to Ohio Revised Code Section 2737.10, and in accordance with the June 12 Order, Plaintiff filed a bond [Docket No. 9] with the Court in the amount of One Million Eighty Three Thousand Twenty Five Dollars (\$1,083,025.00).

On June 18, 2007, Stephen A. Moyer, Esq. filed a *Notice of Appearance* [Docket No. 12] on behalf of defendant *Indian Lake Power Sports, Inc.* On the same day, Indian Lake executed a certain Voluntary Release and Surrender (the “Voluntary Release”), whereby Indian Lake agrees to release and surrender possession of the Collateral<sup>1</sup>. A copy of the Voluntary Release is attached hereto as Exhibit A.


<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Plaintiff’s Motion.

The Parties agree that Defendant shall release and surrender possession of the Collateral subject to Plaintiff's Security Interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Plaintiff's Motion is GRANTED.
2. Plaintiff is entitled to recover immediate possession of the Collateral.
3. The Collateral's last known location is 606 State Route 708, Russells Point, Ohio 43348. If the Collateral is not at that location, Defendant shall disclose the location of the Collateral and the Plaintiff shall take possession of the Collateral wherever it may be located.
4. The approximate value of the Collateral is \$ 541,512.90.
5. This Order shall be effective immediately.
6. Immediately upon this Order taking effect, Defendant, its agents and lessees, shall take all steps necessary to make the Collateral available for peaceful possession by the U.S Marshall or any levying officer, Plaintiff and its agents. Defendant shall not take any action or do anything to impair the value or utility of the Collateral, including, without limitation, using, dismantling, damaging or transferring any part of the Collateral.
7. In the event Defendant fails in any respect to comply with paragraph 6 hereof, the U.S Marshall or any levying officer, be and hereby is directed forthwith to seize the Collateral and deliver said property to Plaintiff at such location(s) as Plaintiff may designate, from time to time, by a signed writing delivered in advance to the U.S Marshall requesting delivery of such property at such designated location c/o Plaintiff's attorneys, Daniel A. DeMarco Esq. and Christopher B. Wick, Esq., Hahn Loeser + Parks LLP, 200 Public Square, Suite 3300, Cleveland, Ohio 44144 (telephone: 216/621-0150; fax: 216/241-2824).

**IT IS SO ORDERED:**

  
\_\_\_\_\_  
United States Federal District Court Judge  
Edmond A. Sargus, Sr.

Date: 3:35

Time: 6-19-2007

Agreed to and submitted by:

/s/ Christopher B. Wick

Daniel A. DeMarco (0038920)  
Christopher B. Wick (0073126)  
HAHN LOESER + PARKS LLP  
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[cwick@hahnlaw.com](mailto:cwick@hahnlaw.com)

*Counsel for Textron Financial Corporation*

and

/s/ Stephen A. Moyer

Stephen A. Moyer (0025211)  
Attorney for Defendant  
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*Counsel for Indian Lake Power Sports, Inc.*

**EXHIBIT A**

# TEXTRON FINANCIAL

Floorplan Finance Division  
Textron Financial Corporation  
Subsidiary of Textron Inc.

11575 Great Oaks Way  
Suite 210  
Alpharetta, GA 30022  
(800) 475-0290

## Voluntary Release and Surrender

Dealer hereby releases and surrenders possession of the inventory listed on the attached schedule. It is understood that dealer is voluntarily releasing this collateral to Textron Financial Corporation ("TFC"). For such disposition as TFC may wish to make of the same, hereby transferring and assigning to TFC all the rights, title, and interest in said inventory.

It is expressly understood that dealer shall continue to be bound by the terms and conditions of the loan agreement(s) for any deficiency with TFC remaining after the transfer and disposition of the inventory.

5/10/07  
Date

Indian Lake Power Sports, Inc.  
Dealer

Acknowledged and Accepted:

By: Michael F. Kenada

Title: President Indian Lake Power Sports

Indian Lake Power Sports, Inc.  
Exhibit  
Inventory Sold out of Trust by Indian Lake Power Sports, Inc.

Dir ID	Acct	Invoice #	Serial #	Status	Financed Amt	Current Amt	Model
701439	1	0092654336-0	W45T117279	SAU	\$7,039.00	\$6,305.20	S2005F7FCAUSG
701439	1	0092758130-0	C55A005344	SAU	\$2,041.00	\$2,041.00	A2005H4B2BUSZ
701439	1	0093554628-0	W76T104864	SAU	\$4,873.00	\$4,873.00	S2006ZABLXUSG
701439	1	0093656316-0	V96K6A3770	SAU	\$3,222.00	\$3,222.00	A2006KUE2BUSR
701439	1	0094122313-0	V66K6C0438	SAU	\$1,653.00	\$1,653.00	A2006KUA2BUSG
701439	1	0094159362-0	VX6T254049	SAU	\$7,411.00	\$6,718.10	A2006IBT4CUSK
701439	1	0094304355-0	VX7T300618	SAU	\$8,949.00	\$8,324.10	U2007P2S4BUSG
701439	1	0094307184-0	V57T300879	SAU	\$8,351.00	\$7,583.80	U2007P1S4BUSZ
701439	1	00944413534-0	W37T110093	SAU	\$6,475.00	\$6,475.00	S2007F5CEFFUSB
701439	1	0094441123-0	V87T213742	SAU	\$7,513.00	\$7,513.00	A2007IBT4CUSK
701439	1	0094492814-0	VX7K6B0185	SAU	\$3,451.00	\$3,451.00	A2007KSE2BUSD
701439	1	0094559320-0	W37T125404	SAU	\$8,345.00	\$8,345.00	S2007F8HEFFUSG
701439	1	0094559320-0	W67T125204	SAU	\$8,345.00	\$8,345.00	S2007F8HEFFUSG
701439	1	0094559320-0	WX7T127456	SAU	\$8,855.00	\$8,855.00	S2007F8HLXUSB
701439	1	0094608229-0	VX7T226413	SAU	\$6,743.00	\$6,743.00	A2007IBT4CUSZ
701439	1	0094697045-0	W07T134142	SAU	\$6,730.00	\$6,730.00	S2007F5CLXUSG
						<b>\$97,177.20</b>	

Inventory Still in Indian Lake's Possession

Dir ID	Invoice #	Serial #	Status	Status Date	Financed Amt	Current Amt	Model
701439	0093300050-0	V65T260853	STK	3/23/2005	\$6,642.00	\$6,023.30	A2005IBR4BUSG
701439	0093303531-0	WX6T101411	STK	3/24/2005	\$7,744.00	\$6,969.60	S2006CFFWYUSB
701439	0093449008-0	W56T104409	STK	6/15/2005	\$4,497.00	\$4,497.00	S2006ZAALXUSG
701439	0093460016-0	W46T113652	STK	6/22/2005	\$8,049.00	\$7,294.70	S2006CFF36USB
701439	0093470530-0	W96T114831	STK	6/29/2005	\$8,049.00	\$7,294.70	S2006CFF36USO
701439	0093473286-0	V46T211505	STK	6/30/2005	\$5,316.00	\$5,316.00	A2006ICH4BUSG
701439	0093572964-0	V16T213499	STK	8/23/2005	\$5,316.00	\$5,316.00	A2006ICH4BUSZ
701439	0093584330-0	W16T114998	STK	8/26/2005	\$8,049.00	\$7,294.70	S2006CFF36USO
701439	0093656316-0	V46K6B1839	STK	1/26/2006	\$3,435.00	\$3,435.00	A2006KSE2BUSR
701439	0093656316-0	V662701823	STK	1/19/2005	\$5,274.00	\$5,274.00	A2006DIV2AUSE

Indian Lake Power Sports, Inc.

**Exhibit**

701439	0093698695-0	VX6K6B2249	STK	11/2/2006	\$3,435.00	\$3,435.00	A2006KSE2BUSE
701439	0093711882-0	V16T227936	STK	1/26/2006	\$5,316.00	\$5,316.00	A2006ICH4BUSG
701439	0093711882-0	V36T220163	STK	4/23/2007	\$6,085.00	\$6,085.00	A2006TBH4BUSG
701439	0093770438-0	V76T230968	STK	4/23/2007	\$6,427.00	\$6,427.00	A2006IBM4BUSC
701439	0093894461-0	V86K6C0298	STK	12/23/2005	\$1,653.00	\$1,653.00	A2006KUA2BUSG
701439	0093911723-0	V16T224244	STK	12/30/2005	\$6,684.00	\$6,684.00	A2006IBR4BUSG
701439	0093911723-0	V26T235608	STK	12/30/2005	\$5,316.00	\$5,316.00	A2006ICH4BUSG
701439	0093911723-0	V36T232636	STK	12/30/2005	\$4,761.00	\$4,761.00	A2006ABH4BUSG
701439	0093911723-0	V46T224254	STK	12/30/2005	\$6,684.00	\$6,684.00	A2006IBR4BUSG
701439	0093911723-0	V46T230054	STK	12/30/2005	\$6,684.00	\$6,684.00	A2006IBR4BUSG
701439	0093911723-0	V56T235604	STK	12/30/2005	\$5,316.00	\$5,316.00	A2006ICR4BUSZ
701439	0093911723-0	V96T232625	STK	12/30/2005	\$4,761.00	\$4,761.00	A2006ABH4BUSG
701439	0093949156-0	V662701529	STK	1/11/2006	\$5,274.00	\$5,274.00	A2006DV12AUSE
701439	0093971785-0	V56T242357	STK	1/18/2006	\$5,958.00	\$5,958.00	A2006IBM4BUSG
701439	0094047310-0	V16T246745	STK	2/10/2006	\$6,085.00	\$6,085.00	A2006TBH4BUSG
701439	0094047310-0	VX6T246744	STK	2/10/2006	\$6,085.00	\$6,085.00	A2006TBH4BUSG
701439	0094122313-0	V16K6E1018	STK	3/10/2006	\$1,653.00	\$1,653.00	A2006KSA2BUSR
701439	0094169283-0	V06T233534	STK	3/30/2006	\$4,761.00	\$4,761.00	A2006ABH4BUSR
701439	0094169283-0	V36T251199	STK	3/30/2006	\$5,316.00	\$5,316.00	A2006ICH4BUSZ
701439	0094169283-0	V46T245671	STK	3/30/2006	\$5,145.00	\$5,145.00	A2006ICH4AUSR
701439	0094285386-0	V17T211069	STK	6/19/2006	\$6,658.00	\$6,658.00	A2006ICH4BUSG
701439	0094285386-0	V67T209589	STK	6/19/2006	\$5,803.00	\$5,803.00	A2007IBS4BUSC
701439	0094169283-0	V96T248677	STK	3/30/2006	\$5,316.00	\$5,316.00	A2007IBS4BUSM
701439	0094285386-0	V17T211069	STK	6/19/2006	\$6,658.00	\$6,658.00	A2007IBS4BUSM
701439	0094301722-0	V77T212002	STK	8/7/2006	\$6,829.00	\$6,829.00	A2007IBS4BUSM
701439	0094304356-0	W17T107273	STK	6/30/2006	\$8,090.00	\$8,090.00	S2007F6DLXUSB
701439	0094304356-0	W37T105119	STK	6/30/2006	\$2,113.00	\$2,113.00	S2007F6DLXUSB
701439	0094304356-0	W87T107402	STK	6/30/2006	\$8,090.00	\$8,090.00	S2007F6DLXUSB
701439	0094342364-0	V27T200551	STK	7/24/2006	\$5,803.00	\$5,803.00	S2007F6DLXUSB
701439	0094342364-0	V27T214689	STK	7/24/2006	\$6,187.00	\$6,187.00	A2007IBM4AUSZ
701439	0094355547-0	V87T209299	STK	7/31/2006	\$5,803.00	\$5,803.00	A2007IBS4BUSP
701439	0094413534-0	WX7T116957	STK	8/30/2006	\$9,816.00	\$8,890.70	A2007ICH4BUSC
701439	0094423936-0	V57T216730	STK	10/6/2006	\$6,743.00	\$6,743.00	S2007F1LEFUSO
701439	00944441123-0	V67T223251	STK	9/13/2006	\$5,974.00	\$5,974.00	A2007IBT4CUSG
701439	0094455561-0	V27K6F0180	STK	9/20/2006	\$2,097.00	\$2,097.00	A2007IBM4BUSG
			STK				A2007KSB2BUSZ

Indian Lake Power Sports, Inc.

**Exhibit**

701439	0094455562-0	V67T223654	STK	9/20/2006	\$6,658.00	\$6,658.00	A2007IBS4BUSC
701439	0094489490-0	V972700020	STK	11/12/2006	\$5,290.00	\$5,290.00	A2007DIV12AUSX
701439	0094492814-0	V87K6B0265	STK	10/2/2006	\$3,451.00	\$3,451.00	A2007KSE2BUSR
701439	0094559320-0	W37T125404	STK	10/25/2006	\$8,345.00	\$8,345.00	S2007F8HEFUSG
701439	0094559320-0	W57T127607	STK	10/25/2006	\$8,855.00	\$8,855.00	S2007F8HLXUSG
701439	0094559320-0	W67T125347	STK	10/25/2006	\$8,345.00	\$8,345.00	S2007F8HEFUSG
701439	0094559320-0	W67T127454	STK	10/25/2006	\$8,855.00	\$8,855.00	S2007F8HLXUSB
701439	0094559320-0	W87T110283	STK	10/25/2006	\$6,730.00	\$6,730.00	S2007F5CLXUSB
701439	0094584435-0	W97T129747	STK	11/1/2006	\$9,405.00	\$9,405.00	S2007Z1NJGUSG
701439	0094584435-0	WX7T129966	STK	11/1/2006	\$9,405.00	\$9,405.00	S2007Z1NJGUSR
701439	0094608229-0	V97T207822	STK	11/9/2006	\$5,161.00	\$5,161.00	A2007ICH4AUSG
701439	0094613079-0	V37T233106	STK	11/10/2006	\$6,187.00	\$6,187.00	A2007IBS4BUSP
701439	0094697043-0	W87T135703	STK	12/7/2006	\$5,774.00	\$5,774.00	S2007PADFCUSB
701439	0094697045-0	W07T134142	STK	12/7/2006	\$6,730.00	\$6,730.00	S2007F5CLXUSG
701439	0094720202-0	V47K6D2375	STK	12/14/2006	\$2,097.00	\$2,097.00	A2007KUB2BUSR
701439	0094720202-0	V57K6A3824	STK	12/14/2006	\$3,323.00	\$3,323.00	A2007KUE2BUSR
701439	0094720202-0	V97K6A3826	STK	12/14/2006	\$2,097.00	\$2,097.00	A2007KUB2BUSG
701439	0094726291-0	V27T237096	STK	12/14/2006	\$3,323.00	\$3,323.00	A2007KUE2BUSR
701439	0094746337-0	V672701786	STK	12/15/2006	\$7,171.00	\$7,171.00	A2007TBS4BUSG
701439	0094763082-0	V37T228634	STK	12/21/2006	\$5,290.00	\$5,290.00	A2007DIV12AUSD
701439	0094882445-0	V272702160	STK	1/30/2007	\$5,888.00	\$5,888.00	A2007ICH4BUSN
701439	0094889991-0	V07T242698	STK	2/8/2007	\$5,290.00	\$5,290.00	A2007DIV12AUSR
701439	0094889993-0	V97T245776	STK	2/12/2007	\$5,888.00	\$5,888.00	A2007ICH4BUSN
701439	0094923715-0	V17T244606	STK	2/12/2007	\$6,230.00	\$6,230.00	A2007TBH4BUSZ
701439	0094934880-0	V37T308401	STK	2/23/2007	\$7,171.00	\$7,171.00	A2007TBS4BUSR
701439	0094966962-0	VX7T250646	STK	2/28/2007	\$8,949.00	\$8,949.00	U2007P2S4BUSR
701439	0094987285-0	V87T270023	STK	3/9/2007	\$6,829.00	\$6,829.00	A2007IBS4BUSM
701439	0095000109-0	V67K6A4884	STK	3/19/2007	\$7,171.00	\$7,171.00	A2007TBS4BUSZ
701439	0095000109-0	VX7K6A4838	STK	3/26/2007	\$3,323.00	\$3,323.00	A2007KUE2BUSG
701439	0095000109-0	VX7K6A4841	STK	3/26/2007	\$3,323.00	\$3,323.00	A2007KUE2BUSG
701439	0095007690-0	V77T272572	STK	3/27/2007	\$5,974.00	\$5,974.00	A2007IBM4BUSZ
701439	0095021866-0	V27T272768	STK	4/2/2007	\$5,974.00	\$5,974.00	A2007IBM4BUSR
						<b>\$444,335.70</b>	