Paul B. George, OSB No. 99009

E-mail: georp@fosterpdx.com Carter M. Mann, OSB No. 96089

E-mail: mannc@fosterpdx.com

Matthew S. Kirkpatrick, OSB No. 08382

E-mail: kirkm@fosterpdx.com

FOSTER PEPPER LLP

601 SW Second Avenue, Suite 1800

Portland, OR 97204-3171 Telephone: (503) 221-0607 Facsimile: (503) 221-1510

Of Attorneys for PNL High Country, L.P. and

Federal Deposit Insurance Corporation as receiver for

IndyMac Bank, F.S.B.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PNL HIGH COUNTRY L.P.,

Plaintiff,

vs.

EAGLE'S LOFT CONDOMINIUM, LLC, an Oregon limited liability company; VERITAS INVESTMENT CO., LLC, an Oregon limited liability company; JOHN SCHLEINING, an individual; DECAL OREGON, INC., an Oregon corporation; CALVIN BATY, JR., an individual; and WESTERN PROPERTY INVESTMENTS LLC, an Oregon limited liability company,

Defendants.

Case No. 3:08-cv-01183-ST

[PROPOSED] ORDER OF DISMISSAL

(Dismissing with prejudice claims against defendants John Schleining, Decal Oregon, Inc., and Western Property Investments LLC, and terminated counterclaims against counterclaim defendant Federal Deposit Insurance Corporation as receiver for IndyMac Bank, F.S.B.; and dismissing without prejudice claims against Eagle's Loft Condominium, LLC)

This matter came before the Court on January 5, 2009, on the Stipulated Motion to Dismiss with Prejudice as to Defendants John Schleining and DeCal Oregon, Inc. and Counterclaim Defendant Federal Deposit Insurance Corporation as receiver for IndyMac Bank, FSB, and to Dismiss without Prejudice as to Defendant Eagle's Loft Condominium, LLC ("Stipulated Motion"), dated December 19, 2008, filed by plaintiff PNL High Country, L.P.

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FILED JAN 07 2009 ("PNL") and former Counterclaim Defendant Federal Deposit Insurance Corporation as Receiver for IndyMac Bank, F.S.B., by and through their counsel of record, Foster Pepper LLP, by defendants Schleining and DeCal Oregon, Inc., by and through their counsel of record, Tonkon Torp LLP, and by defendant Eagle's Loft Condominium, LLC, by and through its counsel of record, Cable Huston Benedict Haagensen & Lloyd LLP.

The Court, having considered the Stipulated Motion of the above parties, and being fully advised,

ORDERS that the Stipulated Motion is GRANTED as follows:

- 1. PNL's claims and the action as against defendants DeCal Oregon, Inc.,
 Schleining, and Western Property Investments, LLC, are DISMISSED WITH
 PREJUDICE and without attorney fees or costs to any party;
- 2. PNL's claims and the action as against defendant Eagle's Loft Condominium, LLC are DISMISSED WITHOUT PREJUDICE and without attorney fees or costs to any party, to afford PNL the ability to institute a judicial or nonjudicial foreclosure in the future if necessary to clear title to the property at issue, provided that said foreclosure (whether judicial or nonjudicial) shall be without personal recourse to Eagle's Loft Condominium, LLC for any deficiency. PNL shall have the right to prosecute this action or to pursue nonjudicial foreclosure against any parties other than defendants DeCal Oregon, Inc., Schleining, and Western Property Investments, LLC; and

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3. The counterclaims of Eagle's Loft Condominium, LLC, DeCal Oregon, Inc., and Schleining, previously terminated without prejudice, and the action as against former counterclaim defendant Federal Deposit Insurance Corporation as Receiver for IndyMac Bank, F.S.B. are DISMISSED WITH PREJUDICE and without attorney fees or costs to any party.

Dated: January ______, 2009.

Judge Janice M. Stewart

Submitted by:

FOSTER PEPPER LLP
Paul B. George, OSB No. 99009
Carter M. Mann, OSB No. 96089
Matthew S. Kirkpatrick, OSB No. 08382
Of Attorneys for PNL High Country, L.P. and
Federal Deposit Insurance Corporation as receiver for IndyMac Bank, F.S.B.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **ORDER** was served upon:

Matt Goldberg

matt.goldberg@klgates.com

G. Frank Hammond

fhammond@chbh.com

Albert N. Kennedy

al.kennedy@tonkon.com

P Stephen Russell III

srussell@landye-bennett.com

Ava L. Schoen

avas@tonkon.com

Robert J. Vanden Bos

bob@vbcattorneys.com

J. Stephen Werts

swerts@cablehuston.com

Steven M. Wilker

steven.wilker@tonkon.com

Jacob K. Clifton, Jr.

jclifton@jclslaw.com

[X] as shown above to be electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a Notice of Electronic Filing; and

Western Property Investments, LLC c/o Carolyn Baty, R/A 807 Washington Street, #103 Key West, FL 33040

Veritas Investment Co., LLC c/o P. Stephen Russell, III, R/A Landye Bennett Blumstein LLP 1300 SW Fifth Ave., Suite 3500 Portland, OR 97201

[X] by causing a copy thereof to be placed in a sealed envelope, postage prepaid, in the United States Mail at Portland, Oregon, on the date below.

DATED this 7th day of January, 2009.

/s/ Paul B. George

Paul B. George, OSB No. 99009 Carter M. Mann, OSB No. 96089 Matthew S. Kirkpatrick, OSB No. 08382

Of Attorneys for PNL High Country, L.P.