

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

SUNTRUST BANK,

Plaintiff,

v.

SHOUN-ALLEN LEASING, INC.,  
SHOUN-ALLEN MASONRY, INC.,  
BEARCON PROPERTIES, LLC,  
CINDY H. SHOUN,  
DENISE R. SHOUN,  
JAMES DOYAL SHOUN,  
JOHN R. ALLEN,  
MARK A. SHOUN, and  
PATRICIA C. ALLEN,

Defendants.

CASE NO. 3:11-cv-415  
PHILLIPS / GUYTON

**AGREED ORDER GRANTING  
MOTION OF SUNTRUST BANK FOR SUMMARY JUDGMENT**

Before the Court is the *Motion of SunTrust Bank for Summary Judgment* (Docket No. 17) (the “Motion”)<sup>1</sup> filed by Plaintiff SunTrust Bank (“SunTrust”) against Defendants Shoun-Allen Leasing, Inc., Shoun-Allen Masonry, Inc., BearCon Properties, LLC, Cindy H. Shoun, Denise R. Shoun, James Doyal Shoun, John R. Allen, Mark A. Shoun, and Patricia C. Allen (collectively, “Defendants”), supported by the *Declaration of Judy Perigo in Support of SunTrust Bank’s Motion for Summary Judgment* (Docket No. 18) and the *Memorandum of Law in Support of SunTrust Bank’s Motion for Summary Judgment* (Docket No. 19). As evidenced by the signatures of their attorneys set forth below, the parties are in agreement that no genuine issues of material fact are in dispute and SunTrust is entitled to judgment as a matter of law. It appearing to the Court that notice of the Motion and related supporting papers was proper and that no further notice of the relief requested in the Motion is required, and after due deliberation and just and adequate cause appearing therefor,

<sup>1</sup> Terms not otherwise defined herein have the meanings as defined in the Motion.

IT IS THEREFORE ORDERED that

1. The Motion is GRANTED;

2. SunTrust is entitled to and is hereby granted judgment jointly and severally against Defendants Shoun-Allen Leasing, Inc., Shoun-Allen Masonry, Inc., BearCon Properties, LLC, Cindy H. Shoun, Denise R. Shoun, James Doyal Shoun, John R. Allen, Mark A. Shoun, and Patricia C. Allen in the amount of \$89,036.69, representing the amount due and owing under the Leasing Co. Notes, exclusive of attorney's fees, for which execution may immediately issue;

3. SunTrust is entitled to and pursuant to the agreement of the Parties is hereby granted possession of the Leasing Co. Collateral 30 days from the entry of this Order;

4. SunTrust is entitled to and is hereby granted judgment jointly and severally against Defendants Shoun-Allen Leasing, Inc., Shoun-Allen Masonry, Inc., BearCon Properties, LLC, Cindy H. Shoun, Denise R. Shoun, James Doyal Shoun, John R. Allen, Mark A. Shoun, and Patricia C. Allen in the amount of \$384,784.85, representing the amount due and owing under the Masonry Co. Note, exclusive of attorney's fees, for which execution may immediately issue;

5. SunTrust is entitled to and pursuant to the agreement of the Parties is hereby granted possession of the Masonry Co. Collateral 30 days from the entry of this Order;

6. SunTrust is entitled to and is hereby granted judgment jointly and severally against Defendants Shoun-Allen Leasing, Inc., Shoun-Allen Masonry, Inc., BearCon Properties, LLC, Cindy H. Shoun, Denise R. Shoun, James Doyal Shoun, John R. Allen, Mark A. Shoun, and Patricia C. Allen in the amount of \$76,587.85, representing the amount due and owing under the BearCon Note, exclusive of attorney's fees, for which execution may immediately issue;

7. SunTrust is entitled to and is hereby granted judgment jointly and severally against all Defendants for attorney's fees in the amount of \$6,000.00, for which execution may immediately issue; and

8. Costs for this action should be, and hereby are, assessed against Defendants.

**THIS IS A FINAL JUDGMENT.**

IT IS SO ORDERED this 21<sup>st</sup> day of Feb., 2012.

*Thomas H. Phillippe*

United States District Court Judge

APPROVED FOR ENTRY:

s/ Allison A. Wiemer  
Erika R. Barnes (Sup. Ct. No. 028628)  
Allison A. Wiemer (Sup. Ct. No. 027623)  
STITES & HARBISON, PLLC  
401 Commerce Street, Suite 800  
Nashville, TN 37219-2490  
(615) 244-5200 Fax: (615) 742-0732  
[allison.wiemer@stites.com](mailto:allison.wiemer@stites.com)

*Counsel for Plaintiff SunTrust Bank*

ENTERED AS A JUDGMENT

*s/ Debra C. Poplin*  
CLERK OF COURT

s/ D. Scott Hurley  
D. Scott Hurley  
Ryan N. Shamblin  
The Hurley Law Firm, P.C.  
800 South Gay Street, Suite 1501  
Knoxville, Tennessee 37929  
(865) 375-5220  
[hurley@thelaw.tv](mailto:hurley@thelaw.tv)

*Counsel for Defendants*