

STATE OF INDIANA ) IN THE MORGAN CIRCUIT COURT  
 )SS:  
COUNTY OF MORGAN ) CAUSE NO: 55C01-0010-CP-490

GARY L. and PRISCILLA I. AUSTIN, etal. )  
JAMES H. and JOYCE BRANHAM, )  
KELLY D. and MELISSA J. COLLIER, )  
ROGER E. and NANCY J. E. GOODNOW, )  
G. THOMAS and BARBARA GRAY, and )  
JAMES R. WATKINS, On Behalf of )  
Themselves And All Others Similarly )  
Situating, )  
 )  
PLAINTIFFS )  
vs. )  
 )  
OZARK FISHERIES, INC., )  
DEFENDANT )

**ORDER OF DISMISSAL WITH PREJUDICE**

Come now Plaintiffs, by counsel, Peter R. Foley, and Defendant, Ozark Fisheries, Inc. ("Ozark"), by Lawrence B. Cleveland, and having filed their Stipulation of Dismissal With Prejudice, the Court now finds and orders as follows:

1. This matter was initiated by the filing of Plaintiff's Complaint on October 18, 2000.
2. On November 29, 2010, the parties entered into a Settlement Agreement.
3. On March 21, 2011, the Court approved the Settlement Agreement and issued its "Order Approving Compromise and Settlement of Class Action."
4. All conditions precedent to dismissal, as set forth in the Settlement Agreement, have been satisfied and performed, including the formation of the Lake DeTurk Conservancy District on February 6, 2012 and the conveyance of certain real estate by Ozark to the Lake DeTurk Conservancy District.
5. The attorney's fees of Peter R. Foley, counsel for Plaintiffs, in the sum of \$24,123.72 shall be paid from the \$35,000.00 held by the Clerk of the Court.

6. The balance of the funds held by the Clerk, after payment of the attorney's fees, in the sum of \$10,876.28 shall be released by the Clerk and made payable to the order of the "Lake DeTurk Conservancy District".

7. The parties shall be bound by the terms of the Settlement Agreement, Water Lease Contract and the Joint and Mutual Release of All Claims, which obligations shall survive this dismissal.

8. This matter shall be dismissed, with prejudice, cost paid.

All of which is Ordered this 4 day of May, 2012.

  
ROBERT W. FREESE, SPECIAL JUDGE,  
MORGAN CIRCUIT COURT

Distribution:

✓ Peter R. Foley  
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Mr. Lawrence B. Cleveland  
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