

IN THE CIRCUIT COURT FOR CUMBERLAND COUNTY, TENNESSEE

LAUREL HILLS WATER SYSTEM,)
in Receivership, by and through its)
Court-Appointed Receiver,)
RECEIVERSHIP MANAGEMENT,)
INC.,)

Petitioner,)

v.)

MOY TOY, LLC, a Tennessee)
limited liability company, and)
TERRA MOUNTAIN HOLDINGS,)
LLC, a Georgia limited liability)
company,)

Respondents.)

Docket No. CCI-2016-CV-6201

Jury Demanded

DATE FILED June 24 2019
Jessica Burgess MM
Circuit Court Clerk

AGREED ORDER OF DISMISSAL

As evidenced by the signatures of counsel below, the following is agreed to:

1. On November 18, 2016, Laurel Hills Water System, in Receivership, by and through its Court-appointed Receiver, filed the instant action. On April 3, 2017, Respondent Moy Toy, LLC and Respondent Terra Mountain Holdings, LLC filed separate Motions to Dismiss Petition for Condemnation or for More Definite Statement. Both motions are still pending before the Court.

2. On December 30, 2018, Respondent Terra Mountain Holdings, LLC transferred, by Limited Warranty Deed, the property interests it held that are at issue in this action (amongst other property interests) to Michael C. Buford (said Limited Warranty Deed having been recorded un the Cumberland County Register of Deeds on January 11, 2019 – Book 1541, Page 2189) and thus Terra Mountain Holdings, LLC is to be dismissed because it is no longer a party-in-interest in relation to this action.

3. The other parties to this action, Laurel Hills Water System, in Receivership, and Moy Toy, LLC, amongst other persons/entities, have entered into a Settlement Agreement and Mutual Release which addresses matters relating to the Laurel Hills Water System, in Receivership (amongst other matters). Said Settlement Agreement and Mutual Release was approved through order entered on June 19, 2019, by the Chancery Court of Cumberland County, Tennessee in the case *Tennessee Public Utility Commission v. Laurel Hills Condominium Property Owners Association* (#2012-CH-560 – Thurman) – that being the action in which Chancellor Thurman appointed, on October 26, 2015, Receivership Management, Inc. as Receiver of the Laurel Hills Water System. The Settlement Agreement and Mutual Release calls for, upon fulfillment of all Conditions Precedent set forth in that Settlement Agreement, the presentation to this Court of an Agreed Order dismissing this action upon the terms and conditions set forth in that Settlement Agreement.

4. It has been represented to the parties to this action that the Conditions Precedent as set forth in this above-referenced Settlement Agreement and Mutual Release have been fulfilled.


5. Accordingly, and as evidenced by signatures of counsel below, it is agreed as follows:

- a. Respondent Terra Mountain Holdings, LLC is dismissed from this action on the basis that it no longer holds any interest at issue in this action.
- b. Petitioner Laurel Hills Water System, in Receivership, by and through its Court-appointed Receiver, Receivership Management, Inc., and Respondent Moy Toy, LLC have reached settlement, in the above-referenced Settlement Agreement and Mutual Release, as to all matters that were brought or could have been brought in this action;

- c. The Parties hereto agree that the Court not allow, award or tax as costs or otherwise any of the party's attorney's fees, disbursements or expenses, statutory or otherwise (*see e.g.* TCA § 29-17-106);
- d. The Parties hereto shall each be responsible for their respective discretionary costs and attorney's fees incurred in this action;
- e. Court costs of record are to be taxed as against Laurel Hills Water System, in Receivership, for which execution may issue;
- f. The dismissal ordered herein is without prejudice unless and/or until an order is entered and becomes final and non-appealable as to Respondent Moy Toy, LLC in the above-referenced Cumberland County Chancery Court action (#2102-CH-560 – Thurman) which resolved all petitions, complaints, and motions pending in that Cumberland County Chancery Court action, including (a) the full discharge of Receivership Management, Inc. as Receiver of Laurel Hills Water System, in Receivership, (b) the closing of the Laurel Hills Water System Receivership, and (c) payment of all outstanding fees and expenses incurred by and on behalf of Laurel Hills Water System Receiver. The dismissal ordered herein as to Moy Toy, LLC is to automatically become with prejudice upon the Order referenced in the Cumberland County Chancery Court action (#2012-CH-560 – Thurman) becoming final and non-appealable;
- g. As is evident by the recorded deed referenced in ¶ 2 above, Respondent Terra Mountain Holdings, LLC has transferred all property interests at

issue in this action, and thus, the dismissal of Respondent Terra Mountain Holdings, LLC is with prejudice.

IT IS SO ORDERED this the 14th day of June, 2019.



Hon. J. Young
Circuit Court Judge

Submitted and Approved for Entry:



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ENTERED
Jessica Burgess

JUN 24 2019

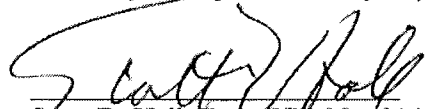
CIRCUIT COURT CLERK

Counsel for Petitioner Laurel Hills Water System, in Receivership by and through its Court-Appointed Receiver, Receivership Management, Inc.



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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of June, 2019, a true and correct copy of the foregoing has been served via electronic mail to the following:

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