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Day, Co. Chancery Court

IN THE CHANCERY COURT OF THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

CHLORA A. LINDLEY-MYERS,)
Special Deputy Commissioner of)
Commerce and Insurance For the)
State of Tennessee,)

Petitioner,)

v.)

SMART DATA SOLUTIONS, LLC)
a Tennessee limited liability company,)
AMERICAN TRADE ASSOCIATION,)
INC, an Indiana nonprofit corporation with)
its principal place of business in Tennessee,)
AMERICAN TRADE ASSOCIATION,)
LLC, an Arkansas limited liability company,)
SERVE AMERICA ASSURANCE,)
a corporation with an unknown location,)
BART S. POSEY SR., ANGIE POSEY)
OBED W. KIRKPATRICK, RICHARD)
H. BACHMAN, WILLIAM M. WORTHY)
and COLIN YOEUELL)

Respondents.)

CHLORA A. LINDLEY-MYERS)
Special Deputy Commissioner of)
Commerce and Insurance for the State)
of Tennessee, in her official Capacity as)
Statutory Liquidator of Smart Data Solutions,)
LLC, American Trade Association, Inc.,)
American Trade Association, LLC, and)
Serve America Assurance,)
Plaintiff,)

v.)

BART S. POSEY, SR., and)
ANGIE POSEY,)
Defendants.)

No. 10-507-III

Petition for Damages v.
Bart Posey and Angie Posey

COPY

**ORDER OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF THIRD PARTY ACTION AGAINST
BART S. POSEY, SR., AND ANGIE POSEY**

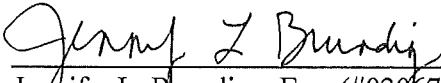
Pursuant to Tenn. R. Civ. P. 41.01, Special Deputy Commissioner Chlora A. Lindley-Myers, as the statutory Liquidator of Smart Data Solutions, LLC (“SDS”), American Trade Association, Inc., American Trade Association, LLC (collectively referred to as “ATA”), and Serve America Assurance (“SAA”), has provided notice of voluntary dismissal without prejudice of the remaining claims pending against Bart S. Posey, Sr., and Angie Posey in the Liquidator’s *Petition to Recover Damages From Bart S. Posey, Sr., and Angie Posey* (“Petition”), which is a third party recovery action that was filed within the SDS/ATA/SAA Liquidation. The Court finds that, based on the Liquidator’s reasonable exercise of her discretion, all of the assets that it would be profitable to pursue have been marshaled into the SDS/ATA/SAA liquidation estate and reduced to liquidity, and that, with the likely delays that will result from the criminal proceedings against Bart S. Posey, Sr., and Angie Posey, it is not profitable, pursuant to Tenn. Code Ann. § 56-9-310(a)(14), to continue to prosecute the Petition against Bart S. Posey, Sr., and Angie Posey, and to deplete the assets of the estate by incurring additional administrative expenses. Therefore, the voluntary dismissal without prejudice of the claims pending against Bart S. Posey, Sr., and Angie Posey in the Petition is hereby ORDERED.

ENTERED this the ____ day of _____, 2014.

HONORABLE ELLEN HOBBS LYLE
CHANCELLOR

APPROVED FOR ENTRY:

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Special Deputy Liquidator*

CERTIFICATE OF SERVICE

I hereby certify this the 21st day of June, 2014, that a true and exact copy of the foregoing has been served by U.S. mail, postage pre-paid, and/or via email as indicated, to the parties and interested entities listed on the attached service list.

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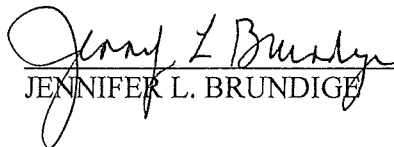
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