

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF SCOTT

NOV 20 2009 JA  
SCOTT COUNTY COURTS

FIRST JUDICIAL DISTRICT  
Case Type: Mechanic's Lien Foreclosure

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In re M.W. Johnson Construction, Inc.  
Mechanic's Lien Foreclosure Litigation

Consolidated Master Court File: 70-CV-09-7343

Judge: Jerome B. Abrams

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Stewart Plumbing, Inc.,

Scott County Court File: 70-CV-09-7982

Plaintiff,

Dakota County Court File: 19HA-CV-08-2206

vs.

**STIPULATION OF PARTIAL DISMISSAL  
WITH PREJUDICE;**

Roy Colstrom and Jeong Colstrom,  
Wells Fargo Bank, N.A., Ryan  
Contracting Company, John Doe, Mary  
Roe, XYZ Corporation, and ABC  
Partnership,

**ORDER FOR PARTIAL DISMISSAL WITH  
PREJUDICE AND PARTIAL JUDGMENT**

Defendants.

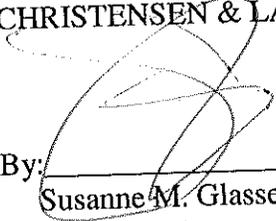
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IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants Roy Colstrom, Jeong Colstrom (the "Colstroms"), Wells Fargo Bank, N.A. and Ryan Contracting Company, by and through their undersigned attorneys, as follows:

1. Count I of Stewart's Complaint for unjust enrichment against the Colstroms, shall be dismissed with prejudice on the merits and in their entirety without an award of costs, disbursements or attorney's fees to any party.
2. Any party to this Stipulation without prior notice to any other party may cause an Order for Judgment to be entered herein.

CHRISTENSEN & LAUE, P.A.

Dated: November  , 2009

By: 

Susanne M. Glasser (#0272978)  
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Edina, Minnesota 55436  
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*Attorney for Plaintiff Stewart Plumbing, Inc.*

WILKERSON & HEGNA, P.L.L.P.

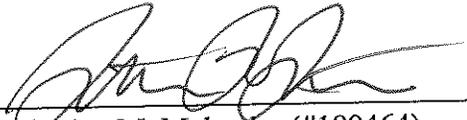
Dated: October 16, 2009

By: 

Kyle J. Hegna (#20240X)  
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7300 Metro Boulevard, Suite 300  
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(952) 897-2302  
*Attorneys for Defendant  
Ryan Contracting Company*

COLEMAN, HULL & VAN VLIET, PLLP

Dated: November 5, 2009

By  \_\_\_\_\_

Katherine M. Melander (#180464)

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(952) 841-0001

*Attorneys for Defendants*

*Roy Colstrom, Jeong Colstrom and*

*Wells Fargo Bank, N.A.*

**ORDER FOR PARTIAL DISMISSAL WITH PREJUDICE AND PARTIAL JUDGMENT**

Pursuant to the foregoing Stipulation of Partial Dismissal entered into by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants Roy Colstrom, Jeong Colstrom (the "Colstroms"), Wells Fargo Bank, N.A. and Ryan Contracting Company, by and through their attorneys, the Court makes the following **ORDER**:

1. The parties' Stipulation of Partial Dismissal with Prejudice is hereby approved in all respects.
2. Count I of Stewart's Complaint against the Colstroms for unjust enrichment is hereby dismissed **WITH PREJUDICE**, on the merits and without an award of costs, disbursements or attorneys' fees to any party.

**THERE BEING NO JUST REASON FOR DELAY, LET PARTIAL JUDGMENT BE ENTERED FORTHWITH.**

BY THE COURT:



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Jerome B Abrams  
Judge of District Court  
Consolidated Master Court File No. 70-CV-09-7343  
Court File No. 70-CV-09-7982

Dated: Nov 19, 2009

**JUDGMENT**

I DO HEREBY CERTIFY THAT THE FOREGOING ORDER  
CONSTITUTES THE JUDGMENT OF THIS COURT.

DATE 11-20-09  
GREGORY M. ESS  
COURT ADMINISTRATOR, SCOTT COUNTY, MINN.

DEPUTY Audrey K Brown