

Stephen B. Cohen P.C.
3609 Main St. E. Chgo. In 46312

STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

IN THE PORTER SUPERIOR COURT
VALPARAISO, INDIANA

095944

ALLIS CHALMERS, ENGINE DIVISION,
PLAINTIFF, IN OPEN COURT

FILED

V. CAUSE NO. 64D01-8901-CP-118-D
APR 10 1990

JAMES JOOSTEN, INDIVIDUALLY,
AND JAYWEST CORPORATION,
DEFENDANTS
Thomas W. Miller
JUDGE PORTER SUPERIOR COURT

ORDER FOR JUDGMENT

This matter having come to be heard on the February 8, 1990 Court call on Plaintiff's Motion for Summary Judgment, all parties having been represented by counsel, the pleadings being amended instanter to name Jaywest Corporation as a party defendant, each of party having agreed on the amount due on account and having ask leave to discuss the Court's findings and return to Court on April 10, 1990 with an agreed Judgment Order or for an additional pre-trial conference,



The Court having been advised by counsel for Plaintiff that the parties have agreed to the entry of a Judgment Order in this matter without further trial based upon the following findings:

1. On the representation and offering of proof by Attorney Richard Tebik, Jaywest Corporation is incorporated under the laws of the State of Indiana and in good standing under said laws,
2. Jaywest Corporation is the party responsible for Plaintiff's account stated in the Complaint filed herein,
3. Jaywest Corporation is the proper party Defendant and James Joosten was acting in a corporate capacity at all times while dealing with Plaintiff,

STATE OF INDIANA/S.S. NO.
LAKE COUNTY
FILED FOR RECORD
APR 19 8 46 AM '90
ROBERT B. BROWN
RECORDER

FILED

APR 19 1990

Anna N. Anton
AUDITOR LAKE COUNTY

001178

7.00

4. Jaywest Corporation shall be substituted as party Defendant for James Joosten and James Joosten shall be dismissed with prejudice as to both parties on said dismissal of said James Joosten,

5. The claim against James Joosten was filed in good faith and said dismissal does not give said party a claim for malicious prosecution,

6. Jaywest Corporation is indebted to Allis Chalmers (Engine Division) in the amount of \$29,859.00,

7. The debt of \$29,859.00 was due from Jaywest Corporation to Allis Chalmers Corporation as of July 16, 1988, the date of the last payment by Jaywest Corporation to Allis Chalmers Corporation,

8. Allis Chalmers Corporation is entitled to pre-judgment interest since July 16, 1988.

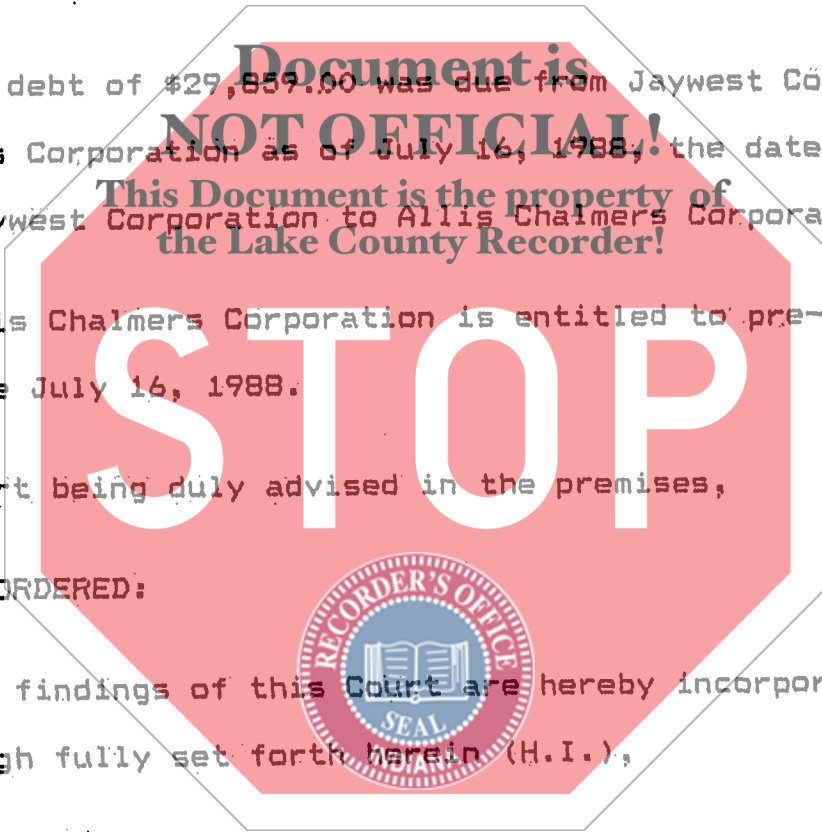
The Court being duly advised in the premises,

IT IS HEREBY ORDERED:

1. The findings of this Court are hereby incorporated in this Order as though fully set forth herein (H.I.),

2. Judgment is entered against Defendant, Jaywest Corporation and in favor of Plaintiff, Allis Chalmers Corporation in the amount of \$29,859.00 together with interest thereon from July 16, 1988 plus costs, and

3. Defendant, James Joosten, is hereby dismissed with prejudice, each party to pay its own costs associated with said dismissal.



ENTER:

Thomas W. Webber Sr.

JUDGE THOMAS W. WEBBER, SR.



APPROVED:

ALLIS CHALMERS CORPORATION

BY: *[Signature]*

STEPHEN B. COHEN, P.C.
3609 MAIN STREET
EAST CHICAGO, INDIANA 46312
(219) 397-0903

APPROVED:

JAMES JOOSTEN, INDIVIDUALLY AND
JAYWEST CORPORATION, AN INDIANA

CORPORATION

BY: *[Signature]*

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