

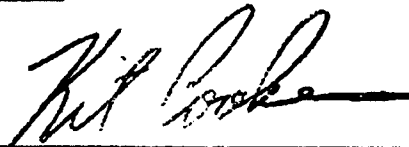
application for writ of error is granted but the appeal to the Supreme Court of Texas by Plaintiff is unsuccessful; the additional sum of \$2,500.00 as reasonable attorneys' fees if a Motion for Rehearing is filed by Plaintiff but not granted by the Supreme Court of Texas; the additional sum of \$3,500.00 as reasonable attorneys' fees if a Petition for Writ of Certiorari is filed by Plaintiff but is not granted by the United States Supreme Court; and the additional sum of \$5,000.00 as reasonable attorneys' fees if a Petition for Writ of Certiorari is granted but the appeal to the United States Supreme Court by Plaintiff is unsuccessful.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Mountain Peak Water Supply Corporation is entitled to post-judgment interest at the rate of ten percent (10%) per annum and all costs of suit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mountain Peak Water Supply Corporation's Objections to Plaintiff's Summary Judgment Evidence, filed and served on July 3, 1997, are sustained in their entirety.

All other relief sought herein but not granted hereby is denied.

SIGNED on this 26 day of August, 1997.



JUDGE PRESIDING

CAUSE NO. 158-97 CV

MOUNTAIN PEAK SPECIAL
UTILITY DISTRICT as successor in
interest to MOUNTAIN PEAK WATER
SUPPLY CORPORATION,

Plaintiff,

vs.

JOHN BENJAMIN CLOPTON, JR.,

Defendant.

§ IN THE DISTRICT COURT
§
§
§
§
§ JOHNSON COUNTY, TEXAS
§
§
§
§
§
§ 18TH JUDICIAL DISTRICT

WRIT OF SCIRE FACIAS

TO DEFENDANT JOHN BENJAMIN CLOPTON, JR.:

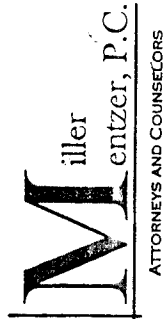
Please take notice that on the 26th day of August, 1997, at a regular term of the 18th Judicial District Court of Johnson County, Texas, Plaintiff recovered a judgment against you for \$28,000.00, with additional attorneys' fees in the amount of \$14,000.00 resulting from your appellate efforts, with interest from the date of judgment at the rate of 10% per year, plus costs. This cause is numbered 158-97 CV, and entitled John Benjamin Clopton, Jr. v. Mountain Peak Water Supply Corporation, et al. On the ____ day of December, 2008, Plaintiff filed an Application for Writ of Scire Facias to Revive Judgment.

Therefore, you are commanded to appear before the 18th Judicial District Court of Johnson County, Texas, located at the Guinn Justice Center in Cleburne, Texas, at _____ time on the ____ day of _____, 200_, and show cause why the judgment rendered in the above-entitled cause should not be revived as requested by Plaintiff. On your failure to do so, an order and judgment will enter for the relief demanded in the application.

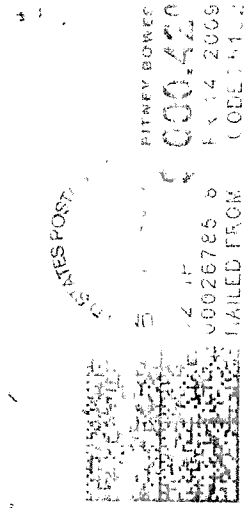
The nature of Plaintiff's demand is shown by a true and correct copy of its application accompanying this citation, the original of which is on file in this cause.

If citation is not served within 60 days after the date of its issuance, it shall be returned unserved. The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates of this order, and make due return as the law directs.

EXHIBIT **9**
Page 33 of 35

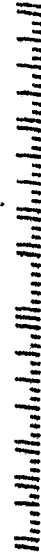


100 NORTH MAIN ST.
P.O. Box 130
PALMER, TEXAS 75152
TELEPHONE: 972.845.2222
TELECOPIER: 972.845.3398
WWW.MILMEN.COM



John Benjamin Clopton, Jr.
810 South FM 157
P.O. Box 368
Venus, Texas 76084

76084+0368



JOHN BENJAMIN CLOPTON, JR., B.S.C.E., J.D.
810 South FM 157
Post Office Box 368
Venus, Texas 76084
Tel: 972-366-8980
Cell: 214-803-0446

April 21, 2009

(HAND-DELIVERED)

Honorable David Lloyd
Johnson County District Clerk
Guinn Justice Center
204 South Buffalo Avenue
Room 206
Cleburne, Texas 76033-5404

Re; Cause No. 158-97 CV; Mountain Peak Special Utility District as successor in interest to Mountain Peak Water Supply Corporation v. John Benjamin Clopton, Jr.; In the District Court, 413th Judicial District; Johnson County, Texas.

Dear Clerk:

Enclosed for filing please find the Originals of the following documents:

ENCLOSURE (A): "MOTION TO DISMISS MOUNTAIN PEAK'S APPLICATION FOR WRIT OF SCIRE FACIAS TO REVIVE JUDGMENT", and

ENCLOSURE (B): "MR. CLOPTON'S MOTION FOR CONTINUANCE."

Please file-mark the extra copies for my files.

Thanking you in advance for your attention to the foregoing and with best personal regards, I remain

Very truly yours,


JOHN BENJAMIN CLOPTON, JR., Pro se
PRO SE DEFENDANT

cc: Mr. Read Cook, Attorney for Mountain Peak (w/Encl A & B)
Honorable Gregg Abbott, Attorney General of Texas (w/Encl A & B)
Freedom of Information Foundation of Texas (w/Encl A & B)

EXHIBIT **10**
Page 1 of 22

THE STATE OF TEXAS

CAUSE NO. 158-97CV

MOUNTAIN PEAK SPECIAL
UTILITY DISTRICT as successor
interest to Mountain Peak Water
Supply Corporation,

Plaintiff,

V.

JOHN BENJAMIN CLOPTON, JR

Defendant.

IN THE DISTRICT COURT

JOHNSON COUNTY, TEXAS

413th JUDICIAL DISTRICT

2009 APR 21 AM 9:51

**MOTION TO DISMISS MOUNTAIN PEAK'S APPLICATION FOR WRIT OF
SCIRE FACIAS TO REVIVE JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

I.

The Plaintiff is MOUNTAIN PEAK SPECIAL UTILITY DISTRICT as successor in interest to MOUNTAIN PEAK WATER SUPPLY CORPORATION ("Mountain Peak").

II.

The Defendant in his case is JOHN BENJAMIN CLOPTON, JR. ("Mr. Clopton").

**MOTION TO DISMISS MOUNTAIN PEAK'S
APPLICATION FOR WRIT OF SCIRE FACIAS
TO REVIVE JUDGMENT**

EXHIBIT **10**
Page 2 of 22

III.

The underlying litigation for this case is Mr. Clopton's lawsuit challenging Mountain Peak's 1994 ELECTION. Judge Kit Cooke appointed MEDIATOR Robert Sparks to mediate Mr. Clopton's lawsuit. After reaching a Settlement Agreement, Mr. Clopton revoked his consent and Judge Cooke enforced the Settlement Agreement. Mr. Clopton appealed to the 10th Court of Appeals in Waco. The Appeals Court reversed Judge Cook and the case was remanded to the trial court for further proceedings. See Clopton v. Mountain Peak, 925 S.W. 2d 525 (Tex. App.-Waco 1995, no pet.).¹

911

IV.

On or about December 9, 2008, Mountain Peak held their Regular Public Monthly Meeting. During the course of the meeting, Mountain Peak's Board of Directors met with their Attorney, David A. Miller, in Executive Session. Upon returning from Executive Session Board Member Charles Hayes made a Motion to authorize their attorney to proceed with "outstanding litigation". Board Member Stephen Bradford seconded. The vote was unanimous. However there was not a MOUNTAIN PEAK meeting agenda item for Mountain Peak's attorney to proceed with an Application for Writ of Scire Facias to Revive Judgment for CAUSE NO. 158-97 CV. SEE ATTACHMENT "A" and ATTACHMENT "A-1".

V.

On or about January 12, 2009, Mr. Clopton was diagnosed with "LYMPHOMA (CANCER)". By certified letter dated February 23, 2009, Mrs. Clopton notified Mr. Clyde T. Bryant, Mountain Peak's President of Board of Directors, of Mr. Clopton's severe health problems (Mr. Clopton has been hospitalized most of this year.) SEE ATTACHMENT "B".

VI.

Mr. Clopton designated Mrs. Barbara Ann Clopton, his spouse as "DURABLE UNLIMITED POWER OF ATTORNEY". SEE ATTACHMENT "C".

¹Also, see Clopton v. Mountain Peak Water Supply Corp., 1998 Tex. App. LEXIS 7733 (Tex. App.--Austin 1998, no pet.).

MOTION TO DISMISS MOUNTAIN PEAK'S
APPLICATION FOR WRIT OF SCIRE FACIAS
TO REVIVE JUDGMENT

EXHIBIT 10
Page 3 of 22

VII.

Mountain Peak's attorney Read Cook continues to aggressively pursue Mountain Peak's Application for Writ of Scire Facias to Revive Judgment even though Mr. Clopton is very ill and unable to respond at this time. Read Cook even set up a time-sensitive Hearing at:

9:00 a.m. on the 21st day of April, 2009

This hearing was set without any consultation with Mr. Clopton or Mrs. Clopton or any other family member of Mr. Clopton's.

VIII.

Mr. Clopton argues that Mountain Peak's authorization to file an Application for Writ of Scire Facias for CAUSE No. 158-97 CV is VOID because the authorization was extended in an "ILLEGAL MEETING held on December 9, 2008 in violation of the TEXAS OPEN MEETINGS ACT, to wit: the Public Agenda Notice did not contain an agenda item for the said authorization, whatsoever. There was no way that the general public (residents) or Mr. Clopton or Mrs. Clopton could know that Mountain Peak was proposing to authorize its attorney to proceed with an Application for Writ of Scire Facias to Revive Judgment for CAUSE No. 158-97 CV.

IX.

Mr. Clopton argues that Mountain Peak will continue to do business out of the sunlight unless Mountain Peak is made to properly apply the law. It is to be noted that the excellent open government laws passed by our Texas Legislature are of little value if they are not followed.

X.

Mr. Clopton argues this a pretty egregious case. Mountain Peak's Public Meeting Agenda's lack of an agenda for the "authorization for Mountain Peak's attorney to proceed with the Application for Writ of Scire Facias to Revive Judgment for CAUSE NO. 158-97 CV". "Misled the public, Mr. Clopton and Mrs. Clopton into thinking it wasn't a very important meeting." (December 9, 2008).

MOTION TO DISMISS MOUNTAIN PEAK'S
APPLICATION FOR WRIT OF SCIRE FACIAS
TO REVIVE JUDGMENT

EXHIBIT 10
Page 4 of 22

XI.

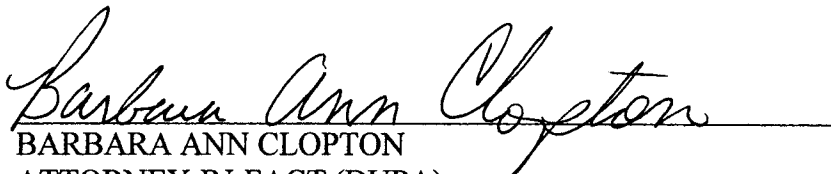
In conclusion, in this case, a legal analysis supports a commonsense analysis.

XII.

PRAYER

Mr. Clopton prays that based on the foregoing reasons, that Mountain Peak's Application for Writ of Scire Facias to Revive Judgment be **DISMISSED**.

Respectfully submitted,



BARBARA ANN CLOPTON

ATTORNEY-IN-FACT (DUPA)

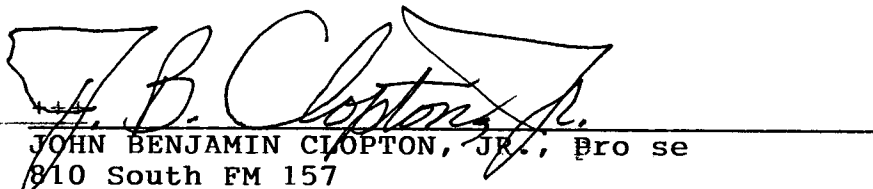
FOR: Defendant, John Benjamin Clopton, Jr.

820 South FM 157

Post Office Box 368

Venus, Texas 76084

Tel: 214-803-0446



JOHN BENJAMIN CLOPTON, JR., pro se

810 South FM 157

Post Office Box 368

Venus, Texas 76084

Tel: 972-366-8980

PRO SE DEFENDANT

MOTION TO DISMISS MOUNTAIN PEAK'S
APPLICATION FOR WRIT OF SCIRE FACIAS
TO REVIVE JUDGMENT


EXHIBIT **10**
Page **5** of **22**

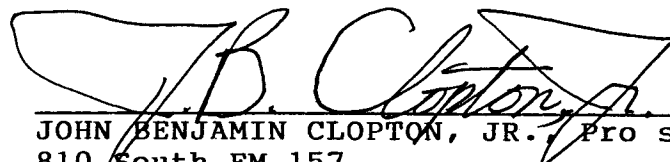
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the "MOTION TO DISMISS MOUNTAIN PEAK'S APPLICATION FOR WRIT OF SCIRE FACIAS TO REVIVE JUDGMENT" was served on the following on the 21st day of April 2009:

Mr. Read Cook
Attorney for Mountain Peak

Via "HAND DELIVERY"


BARBARA ANN CLOPTON
ATTORNEY-IN-FACT (DUPA)


JOHN BENJAMIN CLOPTON, JR. Pro se
810 South FM 157
Post Office Box 368
Venus, Texas 76084
Tel: 972-366-8980

PRO SE DEFENDANT

cc: Honorable Gregg Abbott
Attorney General of Texas

MOTION TO DISMISS MOUNTAIN PEAK'S
APPLICATION FOR WRIT OF SCIRE FACIAS
TO REVIVE JUDGMENT

EXHIBIT 10
Page 6 of 22

Mountain Peak Special Utility District

5671 Waterworks Road • Midlothian, TX 76065

Telephone 972 775-3765 • Fax 972 775-6508

This institution is an equal opportunity provider and employer

NOTICE OF REGULAR MONTHLY MEETING

TUESDAY, DECEMBER 9TH, 2008

Notice is hereby given that the regular monthly meeting of the Board of Directors of the Mountain Peak Special Utility District will be held on Tuesday, December 9th, 2008 beginning at 7:00 p.m., at 5671 Waterworks Road, Midlothian, Texas.

The subjects to be discussed or considered, or on which any formal action may be taken, are as follows:

(Items may not be taken in same order as shown on notices.)

1. Call to order and establishment of quorum.
2. Visitors recognized, and allowed up to 5 minutes to address the Board.
3. Consent Agenda.

All items on the Consent Agenda are considered to be routine by the Board and will be enacted by one motion without separate discussion. If discussion is desired on an item, only that item will be removed from the Consent Agenda and will be considered separately.

- a. Consider approval of minutes of previous meeting(s).
- b. Consider approval of Financial Reports.
4. Review, discuss and take appropriate action on approval of 2009 Budget.
5. Review, discuss and take appropriate action on automated controls for plant sites.
6. Review, discuss and take appropriate action on employees' performance appraisal and compensation.
7. Review, discuss and take appropriate action on matters related to alternative energy sources.
8. Review, discuss and take appropriate action on matters related to the easement acquisition for the 20" water line project.
9. Review, discuss and take appropriate action on outstanding and pending litigation.
10. Review, discuss and take appropriate action on financing a portion of the new 750,000 gallon water tower with Texas Water Development Board.
11. Review, discuss and take appropriate action on part-time employee for the field.
12. Reports
Manager Randel Kirk
13. Executive Session 551.101, Texas Government Code.
 - a) Section 551.074 Texas Government Code.
 - 1) Review, discuss and take appropriate action on employees' appraisal and compensation.
 - b) Section 551.071 Texas Government Code.
 - 1) Consultation with attorney on outstanding and pending litigation.
14. Adjournment.

Portions of this meeting may be conducted in Executive Session pursuant to Section 551.071 (consultation with attorney); Section 551.072 (deliberation regarding real property); Section 551.074 (personnel matters) of the open meetings act.

ATTACHMENT "A"

MOUNTAIN PEAK SPECIAL UTILITY DISTRICT
BOARD MEETING MINUTES

December 9, 2008

Call to order and establish a quorum.

Clyde Bryant called the meeting to order at 7:00 PM and a quorum was established.

Board members present were Clyde Bryant, Ann Major, Martin Mary, Charles (Chuck) Hayes, Stephen Bradford and Ed Wilson. Absent was Raymond Massey.

Employees present were Manager Randel Kirk and Office Supervisor Tammi Baxter.

Visitors recognized, and allowed up to five minutes to address the Board.

Visitors present were John B. Clopton, Jr., Barbara Clopton, Attorney David Miller, Julie Hall, and Pam Kelly.

President Bryant asked if anyone would like to address the Board.

John B. Clopton, Jr., addressed the Board with concerns he has with the Oil and Gas Companies purchasing water from Mountain Peak Special Utility District without participating in paying for Mountain Peak's infrastructure. Mr. Clopton feels that due to the fact that the Oil and Gas Companies can purchase our water without paying capital improvement fees/tap fees; they are getting a cheaper ride than our residential/commercial customers. Mr. Clopton feels that the sale of water to these companies may be wearing our wells out and wonders what the long term effects of the water purchases may have on our water company.

Pam Kelly addressed the Board concerning employees' performance appraisal and compensation.

Consent Agenda.

All items on the Consent Agenda are considered to be routine by the Board and will be enacted by one motion without separate discussion. If discussion is desired on an item, only that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider approval of minutes of previous meeting(s).
- B. Consider approval of Financial Reports.

Ann Major made motion to approve the Consent Agenda.

Ed Wilson seconded.

All for. 5-0.

Review, discuss and take appropriate action on approval of 2009 Budget.

The Board and Manager discussed the appropriate action to take on approval of the 2009 Budget.

Stephen Bradford made motion to adopt the proposed Budget for the year ending December 31, 2009 as presented in Proposal A-1.

Martin Mary seconded.

All for. 5-0.

EXHIBIT 10
Page 8 of 22

ATTACHMENT "A-1"

Review, discuss and take appropriate action on automated controls for plant sites.

The Board and Manager discussed the appropriate action to take on automated controls for plant sites.

Charles (Chuck) Hayes made motion to authorize Manager to write an RFI for an automated system.

Martin Mary seconded.

All for. 5-0.

Review, discuss and take appropriate action on employees' performance appraisal and compensation.

Pursuant to Section 551.074, Texas Government Code, review, discuss and take appropriate action on employees' appraisal and compensation, the Board went into Executive Session. (The Board discussed all employees with the exception of the Manager).

The Board went into Executive Session at 7:36 pm.

The Board came out of Executive Session at 8:12 pm.

Stephen Bradford made motion that Mountain Peak Special Utility District raise salaries for all full-time non-probationary employees by 5%, increase their SAR-SEP contribution by 1% and for calendar year 2009 only award 5 paid personal days off in addition to the current vacation policy; for part-time employees a 5% increase in salary and 3 paid personal holidays for 2009; and all probationary employees should receive all benefits that full-time employees receive at the end of their probation period.

Ed Wilson seconded.

All for. 5-0.

Review, discuss and take appropriate action on matters related to alternative energy sources.

The Board and Manager discussed the appropriate action to take on matters related to alternative energy sources.

No action taken on this item.

Review, discuss and take appropriate action on outstanding and pending litigation.

Pursuant to Section 551.071 Texas Government Code, consultation with attorney on outstanding and pending litigation, the Board, Manager and Attorney David Miller went into Executive Session.

The Board went into Executive Session at 8:35 pm.

The Board came out of Executive Session at 9:05 pm.

Charles (Chuck) Hayes made motion to direct Attorney David Miller to move forward to the extent of any outstanding or pending litigation.

Stephen Bradford seconded.

All for. 5-0.

Review, discuss and take appropriate action on financing a portion of the new 750,000 gallon water tower with Texas Water Development Board.

The Board and Manager discussed the appropriate action to take on financing a portion of the 750,000 gallon water tower with Texas Water Development Board.

Charles (Chuck) Hayes made motion to obtain a TWDB loan not to exceed \$1.5 million and instruct Manager Kirk to proceed with process.

Stephen Bradford seconded.

All for. 5-0.

Review, discuss and take appropriate action on part-time employee for the field.

The Board and Manager discussed the appropriate action to take on part-time employee for the field.

Stephen Bradford made motion to authorize Manager Kirk to add a part-time person in year 2009 to run concurrent with the budget we have approved tonight, total outlay for that part-time help not to exceed \$18,000.00 in 2009.

Ann Major seconded.

All for. 5-0.

Review, discuss and take appropriate action on matters related to the easement acquisition for the 20" water line project.

The Board and Manager discussed the appropriate action to take on matters related to the easement acquisition for the 20" water line project.

Charles (Chuck) Hayes made motion if the easements from Plant Site #9 to Hwy. 67 and across Hwy. 67 are not in hand by 1/15/08, Manager Kirk is authorized to go to a right of way agent to get those easements in hand.

Martin Mary seconded.

All for. 5-0.

Reports

Kirk reported 3,348 active water accounts for the month of November.

Kirk reported a 0 customer increase in customer base.

Kirk reported 446 late fees.

Kirk reported 3 lock offs for the month of November.

Kirk reported 8 new meters installed for the month. (1-Deer Ridge, 1-Fox Run, 1-Rosebud, 2-Venus Ridge, 1-CR 501, 1-Waterworks Rd., and 1-FM 2738).

Kirk reported 8 leaks for the month of November (1-Midlothian, 4-Venus and 3-Maypearl).

Kirk reported water production was at 68% for the month of November.

Kirk reported that the pumps for Plant #2 and #9 have not arrived as of yet. Layne Christensen expects the pump for #2 by the middle of February.

Kirk reported with regard to easement acquisition that everyone down to the highway has signed and that TXI is finalizing easement now.

Kirk reported that Plants #2 and #9 are out. No water shortages at present.

Executive Session 551.101, Texas Government Code

Pursuant to Section 551.074 Texas Government Code, Review, discuss and take appropriate action on employees' appraisal and compensation, the Board went into Executive Session. (The Board discussed only the Manager).

The Board went into Executive Session at 10:01 pm.

The Board came out of Executive Session at 10:20 pm.

Martin Mary made motion to increase Manager's salary by 5%, increase SAR-SEP contribution by 1% and for calendar year 2009 award 5 paid personal days off in addition to the current vacation policy.

Ed Wilson seconded.

All for. 5-0.

President Bryant asked if there was any further business.

There was none.

Adjournment

Martin Mary made motion to adjourn.

Stephen Bradford seconded.

All for. 5-0.

Meeting adjourned at 10:25 pm.

President

Secretary/Treasurer

**JOHN BENJAMIN CLOPTON, JR.
BARBARA ANN CLOPTON
810 SOUTH FM 157
POST OFFICE BOX 368
VENUS, TEXAS 76084
TEL: 972-366-8980
MOBIL: 214-803-0446**

February 23, 2009

**SENT VIA CERTIFIED MAIL RETURN
RECEIPT NO.: 7007 0220 0001 3622 9683
Mr. Clyde Bryant
Mountain Peak Water
3211 Starwashed Dr.
Midlothian, TX 76065-5475**

ATTACHMENT 10


Re: LAWSUIT
CLOPTON'S VERSES MOUNTAIN PEAK WATER

EXHIBIT 10
Page 12 of 22

Dear Mr. Bryant,

We would like to inform you that my husband John B. Clopton, Jr. is very ill at the moment. He is in Baylor hospital in the ICU with Mantle Cell Lymphoma. He is receiving the most aggressive form of Chemotherapy and will have to remain in the hospital for a long while. Therefore he is unable to respond to any matters concerning the above referenced suit. We will more than likely drop our suit.

Sincerely,


BARBARA ANN CLOPTON
ATTORNEY-IN-FACT FOR
JOHN B. CLOPTON, JR.


BARBARA ANN CLOPTON

Durable Unlimited Power of Attorney

BK4538 PGO560

Effective Immediately

184781
 Notice to Adult Signing this Document: This is an important document. Before signing this document, you should know these important facts. By signing this document, you are not giving up any powers or rights to control your finances and property yourself. In addition to your own powers and rights, you are giving another person, your attorney-in-fact, broad powers to handle your finances and property, which may include powers to encumber, sell or otherwise dispose of any real or personal property without advance notice to you or approval by you. THE POWERS GRANTED UNDER THIS DOCUMENT ARE EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT IF YOU BECOME DISABLED OR INCAPACITATED. This document does not authorize anyone to make medical or other health care decisions for you. If you own complex or special assets such as a business, or if there is anything about this form that you do not understand, you should ask a lawyer to explain this form to you before you sign it. If you wish to change your durable unlimited power of attorney, you must complete a new document and revoke this one. You have the right to revoke the designation of the attorney-in-fact and the right to revoke this entire document at any time and in any manner. You may revoke this document at any time by destroying it, by directing another person to destroy it in your presence or by signing a written and dated statement expressing your intent to revoke this document. If you revoke this document, you should notify your attorney-in-fact and any other person to whom you have given a copy of the form. You also should notify all parties having custody of your assets. These parties have no responsibility to you unless you actually notify them of the revocation. If your attorney-in-fact is your spouse and your marriage is annulled, or you are divorced after signing this document, this document may become invalid. Since some third parties or some transactions may not permit use of this document, it is advisable to check in advance, if possible, for any special requirements that may be imposed. You should sign this form only if the attorney-in-fact you name is reliable, trustworthy and competent to manage your affairs. Generally, you may designate any competent adult as the attorney-in-fact under this document.

I, John Benjamin Clopton, Jr., of 810 South FM 157
 City of Venus, State of Texas 76084, as Principal,
 do appoint Barbara Ann Clopton, of 810 South FM 157
 City of Venus, State of Texas 76084, as my
 attorney-in-fact to act in my name, place and stead in any way which I myself could do, if I were personally present,
 with respect to all the following matters to the extent that I am permitted by law to act through an agent:

"All matters to the extent that I am
 permitted by law to act through an
 agent."

EXHIBIT 10
Page 13 of 22

I grant my attorney-in-fact the maximum power under law to perform any act on my behalf that I could do personally, including but not limited to, all acts relating to any and all of my financial transactions and/or business affairs including all banking and financial institution transactions, all real estate or personal property transactions, all insurance or annuity transactions, all claims and litigation, and any and all business transactions

This power of attorney shall become effective immediately and shall remain in full effect upon my disability or incapacitation. This power of attorney grants no power or authority regarding healthcare decisions to my designated attorney-in-fact

ATTACHMENT "C"

Page 1 of 3

If the attorney-in-fact named above is unable or unwilling to serve, then I appoint

BR4 5 3 8 PGO 5 6 1

NONE, of _____,
City of _____, State of _____, to be my
successor attorney-in-fact for all purposes hereunder.

My attorney-in-fact is granted full and unlimited power to act on my behalf in the same manner as if I were personally present. My attorney-in-fact accepts this appointment and agrees to act in my best interest as he or she considers advisable. To induce any third party to rely upon this power of attorney, I agree that any third party receiving a signed copy or facsimile of this power of attorney may rely upon such copy, and that revocation or termination of this power of attorney shall be ineffective as to such third party until actual notice or knowledge of such revocation or termination shall have been received by such third party. I, for myself and for my heirs, executors, legal representatives and assigns, agree to indemnify and hold harmless any such third party from any and all claims that may arise against such third party by reason of such third party having relied on the provisions of this power of attorney. This power of attorney may be revoked by me at any time and is automatically revoked upon my death. My attorney-in-fact shall not be compensated for his or her services nor shall my attorney-in-fact be liable to me, my estate, heirs, successors, or assigns for acting or refraining from acting under this document, except for willful misconduct or gross negligence. Revocation of this document is not effective unless a third party has actual knowledge of such revocation.

I intend for my attorney-in-fact under this Power of Attorney to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA), 42 USC 1320d and 45 CFR 160-164.

Signature and Declaration of Principal

I, John Benjamin Clopton, Jr., the principal, sign my name to this power of attorney this 11 day of January, 2009 and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence, and that I have read and understand the contents of the notice at the beginning of this document.

John Benjamin Clopton, Jr.
Signature of Principal

EXHIBIT 10
Page 14 of 22

Witness Attestation

I, TERRY DON FORD, the first witness, and I, Kristina Mata, the second witness, sign my name to the foregoing power of attorney being first duly sworn and do declare to the undersigned authority that the principal signs and executes this instrument as his/her power of attorney and that he/she signs it willingly, or willingly directs another to sign for him/her, and that I, in the presence and hearing of the principal, sign this power of attorney as witness to the principal's signing and that to the best of my knowledge the principal is eighteen years of age or older, of sound mind and under no constraint or undue influence.

Terry Don Ford
Signature of First Witness

Kristina Mata
Signature of Second Witness

Notary Acknowledgment

State of Texas

County of Tarrant

BK4538 PGO562

Subscribed, sworn to and acknowledged before me by John Benjamin Clopton, Jr. the Principal, and
subscribed and sworn to before me by Brandy C. Ford ^{BCF}, witness, this 11th day of
January, 2009. Jeany D. Foul

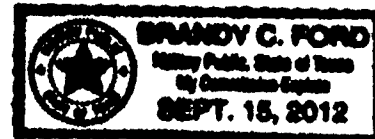
Brandy C. Ford
Notary Signature

Notary Public,

In and for the County of Tarrant State of Texas

My commission expires: 9-15-2012

Seal



Acknowledgment and Acceptance of Appointment as Attorney-in-Fact

I, Barbara Ann Clopton ^{BC} have read the attached power of attorney and am the person identified as the attorney-in-fact for the principal. I hereby acknowledge that I accept my appointment as Attorney-in-Fact and that when I act as agent I shall exercise the powers for the benefit of the principal; I shall keep the assets of the principal separate from my assets; I shall exercise reasonable caution and prudence; and I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

Barbara Ann Clopton
Signature of Attorney-in-Fact

1-11-09 ^{BC}
Date

Acknowledgment and Acceptance of Appointment as Successor Attorney-in-Fact

I, NONE have read the attached power of attorney and am the person identified as the successor attorney-in-fact for the principal. I hereby acknowledge that I accept my appointment as Successor Attorney-in-Fact and that, in the absence of a specific provision to the contrary in the power of attorney, when I act as agent I shall exercise the powers for the benefit of the principal; I shall keep the assets of the principal separate from my assets; I shall exercise reasonable caution and prudence; and I shall keep a full and accurate record of all actions, receipts and disbursements on behalf of the principal.

Signature of Successor Attorney-in-Fact

Date

EXHIBIT 10
Page 15 of 22

Page 3 of 3

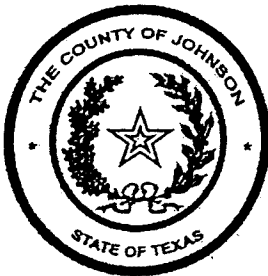
WARNING --- THIS IS PART OF THE OFFICIAL RECORD
DO NOT DESTROY

Filed For Record 8:32 AM ☒ PM ☐

FEB 18 2009

County Clerk Johnson County

By ma Deputy



STATE OF TEXAS
COUNTY OF JOHNSON

that I hereby certify this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS in the Volume and Page as shown hereon.


CURTIS H. DOUGLAS, COUNTY CLERK
JOHNSON COUNTY, TEXAS

EXHIBIT 10
Page 16 of 22

THE STATE OF TEXAS

CAUSE NO. 158-97 CV

MOUNTAIN PEAK SPECIAL
UTILITY DISTRICT as successor
interest to Mountain Peak Water
Supply Corporation,

Plaintiff,

V.

JOHN BENJAMIN CLOPTON, JR.,

Defendant.

IN THE DISTRICT COURT

JOHNSON COUNTY, TEXAS

413th JUDICIAL DISTRICT

2009 APR 21 AM 8:51

MR. CLOPTON'S MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

JOHN BENJAMIN CLOPTON, JR. ("Mr. Clopton"), Defendant, asks the court to continue this case until September 1, 2009 because Mr. Clopton was diagnosed with "LYMPHOMA" (CANCER) on January 12, 2009 and he has been hospitalized a large part of this year. Mr. Clopton is currently taking chemothearpy cancer treatments at BAYLOR (Dallas) on an out patient basis. If all goes well the chemothearpy treatments should be completed by the end of July, 2009. Mr. Clopton also needs the additional time to do some DISCOVERY to gather testimony and evidence and to ^{do} some LEGAL RESEARCH for the case.

MR. CLOPTON'S MOTION FOR CONTINUANCE

Page 1 of 6

EXHIBIT 10
Page 17 of 22

I.

The Plaintiff is MOUNTAIN PEAK SPECIAL UTILITY DISTRICT as successor in interest to MOUNTAIN PEAK WATER SUPPLY CORPORATION ("Mountain Peak").

II.

The Defendant in this case is JOHN BENJAMIN CLOPTON, JR. ("Mr. Clopton"). Mr. Clopton, and wife, are RATEPAYORS for their water service from Mountain Peak.

III.

Mountain Peak sued Mr. Clopton in the nature of an "APPLICATION FOR WRIT OF SCIRE FACIAS TO REVIVE JUDGMENT".

IV.

The case is set for hearing on April 21, 2009 at 9:00 o'clock a.m.

V.

Due to Mr. Clopton's severe health issues, he has not been able to prepare for this hearing as stated above.

VI.

Mr. Clopton needs this continuance in order to gather some additional testimony and evidence and to conduct some DISCOVERY as stated above. Mr. Clopton plans to notice the Oral Depositions of the following witnesses:

EXHIBIT 10
Page 18 of 22

(i) Mr. David A. Miller, and

(ii) Mr. Robert Sparks.

(NOTE: Mr. Miller's and Mr. Sparks' testimony will show that Mountain Peak filed a "NOTICE OF NONSUIT" in this case soon after it was transferred to the 413th Judicial District Court and the court closed this case from its docket.)

VII.

This is Mr. Clopton's first motion for continuance.

VIII.

Mr. Clopton requests that the court take JUDICIAL NOTICE of the court's entire file for this case. (CAUSE NO. 158-97 CV).

IX.

This request for continuance is not for delay only, but so that justice may be done.

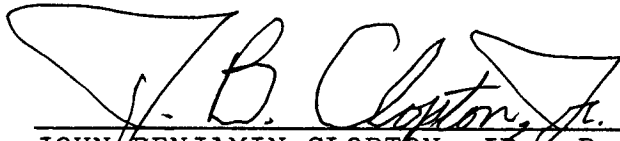
EXHIBIT 10
Page 19 of 22

X.

PRAYER

For these reasons, Mr. Clopton asks the court to continue
this case until September 1, 2009.

Respectfully submitted,



JOHN BENJAMIN CLOPTON, JR., Pro se
810 South FM 157
Post Office Box 368
Venus, Texas 76084
Tel: 972-366-8980

PRO SE DEFENDANT

EXHIBIT 10
Page 20 of 22

VERIFICATION

STATE OF TEXAS

§
§
§

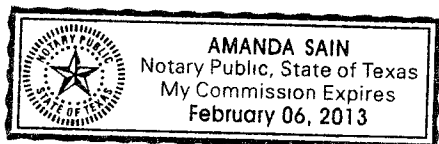
JOHNSON COUNTY

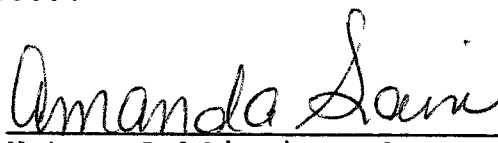
Before me, the undersigned notary,, on this day personally appeared **JOHN BENJAMIN CLOPTON, JR.**, the affiant, a person whose identity is known to me. After I administered an oath to affiant, affiant testified:

"My name is **JOHN BENJAMIN CLOPTON, JR.** I am capable of making this verification. I have read "MR. CLOPTON'S MOTION FOR CONTINUANCE". The facts stated in it are within my personal knowledge and are true and correct."


JOHN BENJAMIN CLOPTON, JR.
Affiant

Sworn to and subscribed before me by **JOHN BENJAMIN CLOPTON, JR.** on 21 April, 2009.




Amanda Sain
Notary Public in and for
the State of Texas

My commission expires: 2-6-13

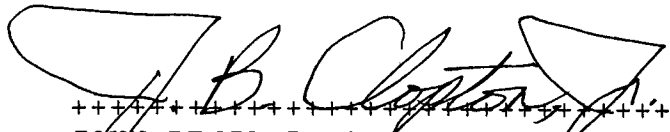
EXHIBIT 10
Page 21 of 22

CERTIFICATE OF SERVICE

I certify that a true and correct copy of "MR. CLOPTON'S
MOTION FOR CONTINUANCE" was served on the following on the
21st day of April, 2009, to wit:

Mr. Read Cook
Attorney for Mountain Peak
100N North Main Street
P.O. Box 130
Palmer, Texas 75152

Via Hand Delivery


+++++
JOHN BENJAMIN CLOPTON, JR., Pro se.
810 South FM 157
Post Office Box 368
Venus, Texas 76084
Tel: 972-366-8980

PRO SE DEFENDANT

EXHIBIT 10
Page 22 of 22

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASE

Page: 1
Date: 07/21/2009
Time: 14:21

Cause Number: 096-185590-00		Date Filed: 11/30/2000	
JOHN BENJAMIN CLOPTON JR, ET AL	v s	AIRPORT MARINA HOTEL, INC, ET AL	
Cause of Action: WRONGFUL DEATH WITHOUT MTR VEH INVOLVED			
Case Status.....: SUMMARY JUDGMENT DISPOSING OF CAUSE			

Filemark	Description	Fee Total	
11/30/2000	Citation-ISSUED ON AIRPORT MARINA HOTEL INC.-On	Y	8.00
11/30/2000	Citation-ISSUED ON BEAR CREEK DFW ASSOCIATES	Y	8.00
11/30/2000	Citation-ISSUED ON CHI-SUK PAK-On 12/04/2000	Y	8.00
11/30/2000	Citation-ISSUED ON DALLAS/FORT WORTH	Y	8.00
11/30/2000	Citation-ISSUED ON DFW AIRPORT HOTEL	Y	8.00
11/30/2000	Citation-ISSUED ON MARIE ELENA MCMILLAN-On	Y	8.00
11/30/2000	Citation-ISSUED ON ROBERT FRANKLIN MCMILLAN-On	Y	8.00
11/30/2000	Citation-ISSUED ON DEBBIE J. MOBLEY-On 12/04/2000	Y	8.00
11/30/2000	JURY FEE	Y	30.00
11/30/2000	PLTFS ORIG PET ***FILE #1***	YI	165.00
12/26/2000	DEFN'S ROBERT & MARIE MCMILLAN ORIG ANSWER		0.00
12/29/2000	DFW INT AIRPORT BOARD ORIG ANSWER		0.00
01/02/2001	CITATION CERT-ISSUED ON HYATT CORPORATION-On	Y	48.00
01/02/2001	PTLFS 1ST AMDED ORIG PETITION		0.00
01/04/2001	DEFNS ORIG ANS & JURY DEMAND (AIRPORT MARINA HOTEL		0.00
01/04/2001	INTERROGS & REQ FOR ADMS TO PLTF JOHN B CLOPTON JR		0.00
01/04/2001	REQ FOR DISCL TO PLTF JOHN B CLOPTON, JR.		0.00
01/04/2001	REQ FOR DISC TO PLTF JOHN B CLOPTON, JR.		0.00
01/04/2001	INTERROGS & REQ FOR ADMS TO PLTF BARBARA A CLOPTON		0.00
01/04/2001	REQ FOR DISCL TO PLTF BARBARA A CLOPTON		0.00
01/04/2001	REQ FOR DISC TO PLTF BARBARA A CLOPTON		0.00
01/04/2001	INTERROGS & REQ FOR ADMS TO PLTFS		0.00
01/04/2001	REQ FOR DISC TO PLTFS		0.00
01/04/2001	INTERROGS & REQ FOR ADMS TO DFN ROBERT F MCMILLAN		0.00
01/04/2001	REQ FOR DISCL TO DEFN ROBERT F MCMILLAN		0.00
01/04/2001	REQ FOR DISC TO DEFN ROBERT F MCMILLAN		0.00
01/04/2001	INTERROGS & REQ FOR ADMS TO DEFN MARIE E MCMILLAN		0.00
01/04/2001	REQ FOR DISCL TO DEFN MARIE E MCMILLAN		0.00
01/04/2001	REQ FOR DISC TO DEFN MARIE E MCMILLAN		0.00
01/04/2001	REQ FOR DISC TO DEFN MARIE E MCMILLAN		0.00
01/05/2001	JURY FEE	Y	30.00
01/08/2001	DEFNS' ORIG ANS & CTR-CLAIM (CHI-SUI PAK & DEBBIE	Y	25.00
01/08/2001	DEFN RF/ME MCMILLAN 1ST AMD ORIG ANS		0.00
01/11/2001	DEFN SPEC EXCEPT TO PLTF 1ST AMD ORIG PET		0.00
01/17/2001	DEFNS ORIG ANS & JURY DEMAND (HYATT CORP)		0.00
01/17/2001	REQ FOR DISCLOSURE DIRECTED TO PLTF BY DEFN HYATT		0.00
01/17/2001	REQ FOR DISCLOSURE DIRECTED TO ROBERT MCMILLAN BY		0.00
01/17/2001	REQ FOR DISCOVERY (TO ROBERT MCMILLAN)		0.00
01/17/2001	REQ FOR DISCOVERY (TO MARIE MCMILLAN)		0.00
01/17/2001	REQ FOR DISCLOSURE DIRECTED TO MARIE MCMILLAN BY		0.00
01/17/2001	REQ FOR DISCOVERY (TO JOHN CLOPTON JR)		0.00
01/17/2001	REQ FOR DISCLOSURE DIRECTED TO PLTF BY DEFN HYATT		0.00
01/17/2001	REQ FOR DISCOVERY (TO BARBARA CLOPTON)		0.00

EXHIBIT **11**
Page 1 of 7

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASE

Page: 2
Date: 07/21/2009
Time: 14:21

Cause Number: 096-185590-00		Date Filed: 11/30/2000
JOHN BENJAMIN CLOPTON JR,	v	AIRPORT MARINA HOTEL, INC,
ET AL	s	ET AL
Cause of Action: WRONGFUL DEATH WITHOUT MTR VEH INVOLVED		
Case Status.....: SUMMARY JUDGMENT DISPOSING OF CAUSE		
Filemark	Description	Fee Total
01/17/2001	REQ FOR DISCLOSURE DIRECTED TO PLTF BY DEFN HYATT	0.00
01/17/2001	REQ FOR DISCOVERY (TO JOHN CLOPTON JR)	0.00
02/02/2001	JNT MOT SEVER/DISMISS W/PREJ -SET 2/22/ @11:30A	0.00
02/02/2001	MOT FOR SUB OF COUNSEL (MARTY ROSE)	0.00
02/07/2001	AMD CERT OF SERV TO JNT MOT SEVER/DISM WITH PREJ	0.00
02/07/2001	ORD SUB VAN SHAW AS ATTY FOR DFW INT AIRPORT BOARD	0.00
02/12/2001	AIRPORT MARINAS INTERROGS TO JOHN &BARBARA CLOPTON	0.00
02/12/2001	INTERROGS (DEFN AIRPORT MARINA HOTEL INTERROGS TO	0.00
02/12/2001	INTERROGS (DEFN HYATT CORPORATION TO PLTF BARBARA	0.00
02/12/2001	INTERROGS (DEFN HYATT CORPORATION TO JOHN BENJAMIN	0.00
02/12/2001	MOT TO COMPEL (DEFN AIRPORT MARINA HOTEL INC, DFW	0.00
02/16/2001	HYATT CORP RESP TO PLF REQ FOR DISCL	0.00
02/20/2001	** FILE #2	I 0.00
02/20/2001	INTERROGS DIRECTED TO PLF BY DEFN HYATT CORP	0.00
02/22/2001	*ORD ON PLTF MOT TO SEVER & DISM * (COST TO WHOM	IM 0.00
03/21/2001	DEFN'S MOT QUASH ORAL DEPO ERIC LOCKHART	0.00
04/18/2001	C/D SARAH B MCCORKLE \$149.75 PD DEFN	0.00
05/04/2001	CERT(C/R ERIC HOFFMAN,M.D.)\$132.00 PD BY DEFN	0.00
05/04/2001	CERT(C/R RPS,INC F/K/A FEDEX GROUND)\$122.75 PD BY	0.00
05/09/2001	AGREED MOT TO W/D AS ATTY OF RECORD (PLTF)	0.00
05/09/2001	*ORD TO W/D AS ATTY OF RECORD* (PLTF)	0.00
05/17/2001	C/D SANDRA JONES \$130.00 PD DEFN	0.00
05/25/2001	C/D DIANNA BRANIGAN \$225.60 PD DEFN	0.00
06/01/2001	PLTF OBJ/RESP TO DEFN HYATT CORP 2ND REQ DISC	0.00
06/04/2001	C/D HCA MED CTR \$125.35 DEFN	0.00
06/04/2001	C/D C/R HCA MED CTR ARL \$170.32 DEFN	0.00
06/04/2001	C/D MARIE MCMILLAN \$206.75 DEFN	0.00
06/06/2001	C/D R. MCMILLAN \$307.05 DEFN	0.00
06/19/2001	AFFDT SERV SUBP DEPO ON KAREN JOHNSON	0.00
06/20/2001	C/DEPO BELCHER \$1355.00 UNKN DEFN	0.00
06/20/2001	C/DEPO DEBBIE MOBLEY \$647. UNKN DEFN	0.00
06/26/2001	PLTF MOT QUASH DEPO JOHNSON/CLOPTON-SET 7/12/01 @	0.00
06/29/2001	NOT TK DEPO W/QUEST 1000 RPS DRIVE	0.00
06/29/2001	NOT TK DEPO W/QUEST TX ALCOHOLIC	0.00
06/29/2001	NOT TK DEPO W/QUEST TC MED EXAMINER	0.00
06/29/2001	NOT TK DEPO W/QUEST THE FREEMAN CTR	0.00
06/29/2001	NOT TK DEPO W/QUEST ERIC HOFFMAN MD	0.00
06/29/2001	NOT TK DEPO W/QUEST CHARTAER GVINE BEHAVIOR	0.00
06/29/2001	NOT TK DEPO W/QUEST PROVIDENCE HEALTH CTR	0.00
06/29/2001	NOT TK DEPO W/QUEST BHC MILLWOOD HOSP	0.00
06/29/2001	NOT TK DEPO W/QUEST ARL MEM HOSP	0.00
06/29/2001	NOT TK DEPO W/QUEST HCA ARL MED CTR	0.00
06/29/2001	NOT TK DEPO W/QUEST PARKLAND MEM HOSP	0.00

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASEPage: 3
Date: 07/21/2009
Time: 14:21

Cause Number: 096-185590-00		Date Filed: 11/30/2000
JOHN BENJAMIN CLOPTON JR, ET AL	v s	AIRPORT MARINA HOTEL, INC, ET AL
Cause of Action: WRONGFUL DEATH WITHOUT MTR VEH INVOLVED		
Case Status.....: SUMMARY JUDGMENT DISPOSING OF CAUSE		
Filemark	Description	Fee Total
07/03/2001	DEFN RESP PLTF MOT QUASH DEPO S	0.00
07/03/2001	CERT/DEPO PARKLAND HOSP \$291.70 DEFN	0.00
07/03/2001	CERT/DEPO PROVIDENCE HEALTH CTR \$113.75 DEFN	0.00
07/03/2001	CERT/DEPO UNITED PARCEL SER \$111.20 DEFN	0.00
07/09/2001	DEPO BY W/QUESTIONS C/R TARRANT COUNTY MEDICAL	0.00
07/09/2001	DEPO BY W/QUESTIONS C/R ARL MEM HOSP (PD DEFN)	0.00
07/09/2001	DEPO BY W/QUESTIONS C/R BHC MILLWOOD HOSP (PD DEFN)	0.00
07/09/2001	DEPO BY W/QUESTIONS C/R FREEMAN CENTER (PD DEFN)	0.00
07/09/2001	DEPO BY W/QUESTIONS C/R TX ALCOHOLIC BEVERAGE	0.00
07/09/2001	DEPO BY W/QUESTIONS C/R HCA ARL MED CNTR (PD DEFN)	0.00
07/09/2001	DEPO BY W/QUESTIONS C/R ERIC J HOFFMAN MD (PD DEFN)	0.00
07/10/2001	AFF OF PATRICIA SPEAR C/R OF BHC MILWOOD HOSP	0.00
07/13/2001	*ORD ON PLTF MOT TO QUASH ORAL DEPO OF KAREN ANN	0.00
08/23/2001	*NOTICE OF RESTRICTED APPEAL (PER COA - APPEAL	0.00
09/12/2001	DEFNS MOT TO COMPEL DEPO TESTIMONY & PROD RE KAREN	0.00
09/17/2001	Cert/Depo. OF FREEMAN CTR \$174.55	0.00
09/17/2001	Cert/Depo. OF C/R RONE ENGINEERS INC \$78.80 DEFN	0.00
10/01/2001	PLTFS Mot TO SUPPRESS 11 DEPOS UPON W/QUEST	0.00
10/03/2001	*****ADDITIONAL FILE # 3	I 0.00
10/09/2001	Cert/Depo. OF JOHN CLOPTON JR. \$2576.40 DEFN	0.00
10/09/2001	Cert/Depo. OF BARBARA CLOPTON \$211.50 DEFN	0.00
10/11/2001	PLTFS MOT TO SUPPRESS 25 DEPOS UPON W/QUESTIONS	0.00
10/18/2001	DEFNS Response TO MOT TO SUPPRESS 11 DEPO	0.00
10/24/2001	DEPO BY W/QUESTIONS OF C/R FOR PROVIDENCE HEALTH	0.00
12/07/2001	Clerk's Record-Created on 12/07/2001	0.00
01/31/2002	DEFNS MOTION FOR SANCTIONS & TO STRIKE FOR NON	0.00
02/14/2002	Motion FOR SANCTIONS	0.00
02/15/2002	***ORDER SET HRG MOT SANCTIONS 3/14/02 @10	0.00
03/11/2002	PLTF Notice APPEARANCE RUCKER ATTY IN CHARGE FOR	0.00
05/09/2002	MOT W/D RUCKER COUNSEL FOR PLTFS/FIAT 6/6/02 @3:30	I 0.00
06/21/2002	***ORDER RUCKER W/D AS ATTY FOR CLOPTON (NO SASE	I 0.00
07/19/2002	CERT/DEPO. OF PARKLAND MEMORIAL HOSP NO \$ SHOWN	I 0.00
02/03/2003	**ORDER MEDIATION WITH DRS-817-877-4554	I 0.00
02/10/2003	ENV RET, (CLOPTON) NON-DEL ADD, UNABLE TO FORWARD	I 0.00
02/12/2003	DEFN HYATT CORP NE MSJ SET 3/27/03	I 0.00
02/21/2003	DEFNS OBJ TO MEDIATION (NO HRG SET AT THIS TIME)	I 0.00
02/28/2003	PLTF MOT IN CAMERA EXAM OF PHOTOGRAPHS CLOPTON	I 0.00
03/05/2003	DEFN MARIE MCMILLAN MSJ (NO COC)	I 0.00
03/05/2003	Affd OF JAMES S SMELSER RE AGENT O'CAYCE'S INVEST-	I 0.00
03/10/2003	***ADDITIONAL FILE # 4	0.00
03/12/2003	DEFN'S 2ND AMD ORIG ANS	I 0.00
03/12/2003	***ORDER SET HRG 4/18/03 @ 10:30 AM (DEFN MSJ)	I 0.00
03/13/2003	PLTF RESP TO DEFN HYATT NE MSJ	I 0.00

Cause Number: 096-185590-00		Date Filed: 11/30/2000	
JOHN BENJAMIN CLOPTON JR,	v	AIRPORT MARINA HOTEL, INC,	
ET AL	s	ET AL	
Cause of Action: WRONGFUL DEATH WITHOUT MTR VEH INVOLVED			
Case Status.....: SUMMARY JUDGMENT DISPOSING OF CAUSE			

Filemark	Description		Fee Total
03/13/2003	***ADDITIONAL FILE # 5		0.00
03/14/2003	Cert. of Written Disc.	I	0.00
03/17/2003	PLTFS MOT FOR IN CAMERA INSPECTION OF CRIME SCENE	I	0.00
03/18/2003	Response OF DEFN TO PLTF MOT IN CAMERA EXAM	I	0.00
03/18/2003	DEFN AIRPORT MARINA HOTEL 1ST AMD ANS/JURY DEMAND	I	0.00
03/19/2003	DEFNS OBJ TO AFFDS IN SUPPORT OF PLTFS RESP TO	I	0.00
03/20/2003	HYATT OBJ AFFDT SMELSER	I	0.00
03/24/2003	LET CONFIRMING RESET JURY TRIAL 6/16/03	I	0.00
04/10/2003	Mot. to Quash (DEFNS) DEPO OF GALYEN	I	0.00
04/21/2003	PLTF RESPONSE TO DEFN MCMILLANS MSJ	I	0.00
04/23/2003	***ADDITIONAL FILE # 6		0.00
04/24/2003	***ORDER GRANT MCMILLAN MSJ (C/M SHAW, RENWICK,	IM	0.00
04/24/2003	DEFN MCMILLAN OBJ TO PLTFS S/JDG EVID	I	0.00
05/09/2003	DFW INTL AIRPORT MOT/DISM FOR LACK OF JURISDICTION	I	0.00
05/09/2003	Special Exceptions (DEFNS)	I	0.00
05/09/2003	DEFN HYATT TRAD MSJ	I	0.00
05/09/2003	DEFN DFW NE MSJ	I	0.00
05/09/2003	DEFNS BEAR CREEK/DFW AIRPORT HOTEL NE MSJ	I	0.00
05/12/2003	PLTF BARBARA CLOPTON ANS TO DEFN 1ST REQ ADMISS	I	0.00
05/12/2003	PLTF JOHN CLOPTON ANS TO 1ST REQ FOR ADMISS	I	0.00
06/04/2003	MOT TO DISQUALIFY COUNSEL (PLTFS)	I	0.00
06/04/2003	PLTFS 2ND AMENDED ORIG PET	I	0.00
06/04/2003	***ADDITIONAL FILE # 7		0.00
06/06/2003	(HYATT) DEFN'S 2ND AMD ANS/DEMAND JURY	I	0.00
06/09/2003	PLTF MOT LEAVE FILE RESP TO MSJ	I	0.00
06/09/2003	DEFN MCMILLAN 3RD AMD ORIG ANS	I	0.00
06/09/2003	PLTFS MOT/SUPPRESS ORAL DEPOS OF PRO SE PLTFS	I	0.00
06/11/2003	Cert/Depo. OF PATTY HABER \$497.37 DEFN	I	0.00
06/12/2003	DEFN DFW INTL AIRPORT BOARD'S BRIEF IN SUPPORT OF	I	0.00
06/12/2003	DEFNS MOT/STRIKE PLTFS S/JDG EVID	I	0.00
06/12/2003	DEFNS RESP TO PLTFS MOT/LEAVE	I	0.00
06/12/2003	PLTFS RESP TO DEFN MOT/DISM LACK OF JURISDICTION	I	0.00
06/16/2003	Not. of Nonsuit AS TO DEFNS ROBERT/MARIE MCMILLAN	IM	0.00
06/18/2003	PLEA INTV OF BUSCH	YI	25.00
06/20/2003	PRO SE PLTFS NOT OF REVOCATION OF SETTLEMENT AGRMT	I	0.00
06/25/2003	LETTER-Vacation BUSCH (7/8-31/03)	I	0.00
06/27/2003	DEFN HYATT TRADITIONAL MOT. FOR SUM/JUDG. (CY NOTE	I	0.00
06/27/2003	MOT ENFORCE SETTLEMENT AGREEMENT	I	0.00
07/03/2003	*NOTICE OF ACCELERATED APPEAL		0.00
07/03/2003	*REQUEST FOR PREPARATION OF THE REPORTERS RECORD		0.00
07/22/2003	PLTFS ORIG ANS, AFFIRMATIVE DEFENSES & DEMAND	YI	30.00
07/28/2003	DEFNS MOT FOR RECONSIDERATION	I	0.00
08/01/2003	PLTFS RESP TO DEFNS TRAD MSJ	I	0.00

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASEPage: 5
Date: 07/21/2009
Time: 14:21

Cause Number: 096-185590-00		Date Filed: 11/30/2000	
JOHN BENJAMIN CLOPTON JR,	v	AIRPORT MARINA HOTEL, INC,	
ET AL	s	ET AL	
Cause of Action: WRONGFUL DEATH WITHOUT MTR VEH INVOLVED			
Case Status.....: SUMMARY JUDGMENT DISPOSING OF CAUSE			
Filemark	Description	Fee Total	
08/06/2003	ORIG ANS (CLOPTON) MOT/TRANS VEN, PLEA IN ABATE	YI	30.00
08/11/2003	LETTER FROM J. BERENT	I	0.00
08/20/2003	Not. Of Intent To Take Depo. C/R DEPT OF PUBLIC	I	0.00
08/29/2003	* ORD OF RECUSAL *	IM	0.00
09/03/2003	***ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE	IM	0.00
09/04/2003	*** ORDER OF TRANSFER *** (TO THE 236TH.)	IM	0.00
09/04/2003	LETTER TO COURT COORDINATOR	I	0.00
09/08/2003	*ORDER OF DISMISSAL AS TO THE CLAIMS OF MARCUS	IM	0.00
09/22/2003	RETURN ENVELOPE (KERVYN B ALTERFFER JR-NO NEW	I	0.00
09/22/2003	DEFN/CNTR PLTFS MOT FOR CONT OF POTENTIALLY MOOT	I	0.00
09/22/2003	DEFNS/CNTR PLTFS 3RD AMD ANS, AFFIR DEFENSES,		0.00
09/23/2003	LETTER	I	0.00
09/26/2003	FILING FEE FOR COUNTER-CLIAM FILED 9/22/03	YI	25.00
10/02/2003	SUBJECT TO ITS MOT FOR CONT OF POTENTIALLY MOOT	I	0.00
10/02/2003	SUBJECT TO ITS MOT FOR CONT OF POTENTIALLY MOOT	I	0.00
10/02/2003	OBJECTIONS TO PLTF S/J EVIDENCE	I	0.00
10/07/2003	MOVANT'S REPLY TO PLTFS S/J Resp BREACH OF	I	0.00
10/07/2003	***ADDITIONAL FILE # 8***		0.00
10/16/2003	PLTFS Interrogatories PROPOUNDED TO MR SHAW	I	0.00
10/27/2003	PLTFS Not OF CRT ORDERED ORAL DEPO OF: MR BUSCH;	I	0.00
12/19/2003	Cert/Depo. OF MARCUS J BUSCH-PLTF 134.70	I	0.00
12/19/2003	Cert/Depo. OF EVAN LANE SHAW-PLTF 170.90	I	0.00
01/07/2004	Cert/Depo. OF MALCOLM RENWICK-PLTF 132.80	I	0.00
01/08/2004	*MANDATE (CT/APPEALS)	I	0.00
02/27/2004	PLTFS 1ST SUPPL PET/DEMAND FOR JURY TRIAL/CTRCLAIM	I	0.00
03/04/2004	COUNTERCLAIM, CIVIL	Y	35.00
03/04/2004	*ORDER*	IM	0.00
03/04/2004	*ORD DENYING MOVANTS OBJ TO PLTFS SUM/JUDG EVID*	IM	0.00
03/04/2004	*ORD DENYING MOT. TO DISQUALIFY COUNSEL*	IM	0.00
04/28/2004	LETTER	I	0.00
06/02/2004	LETTER	I	0.00
06/16/2004	LETTER	I	0.00
06/22/2004	LETTER	I	0.00
06/25/2004	PLTFS Mot TO SET ASIDE VOLUNTARY NOTICE OF NONSUIT	I	0.00
06/28/2004	LETTER-Vacation (J.B/BARBARA CLOPTON)	I	0.00
06/29/2004	PLTFS SUM/JUDG EVIDENCE	I	0.00
07/01/2004	LETTER	I	0.00
07/02/2004	PLTFS NOT. OF RESCHEDULED HRG BEFORE THE STATE	I	0.00
07/06/2004	Motion TO SEVER/ABATE	I	0.00
07/06/2004	DEFN 2ND Mot TO STRIKE PLTF S/J EVIDENCE	I	0.00
07/14/2004	PLTF TRADITIONAL Mot. for Sum/Judg.	I	0.00
07/16/2004	PLTFS Req. for Discl TO THE CORP DEFNS	I	0.00
07/19/2004	LETTER (HRG SET 8/19/04 @11:00AM)	I	0.00

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASEPage: 6
Date: 07/21/2009
Time: 14:21

Cause Number: 096-185590-00		Date Filed: 11/30/2000	
JOHN BENJAMIN CLOPTON JR,	v	AIRPORT MARINA HOTEL, INC,	
ET AL	s	ET AL	
Cause of Action: WRONGFUL DEATH WITHOUT MTR VEH INVOLVED			
Case Status.....: SUMMARY JUDGMENT DISPOSING OF CAUSE			

Filemark	Description	Fee Total	
07/21/2004	LETTER	I	0.00
07/26/2004	DEFNS OBJ TO PLTFS REQ FOR DISCL.TO THE CORP. DEFN	I	0.00
07/27/2004	LETTER	I	0.00
08/16/2004	DEFNS RESP TO PLTFS TRADITIONAL MOT FOR S/J	I	0.00
08/18/2004	DEFNS Resp. TO PLTFS MOT. TO SET ASIDE NONSUIT	I	0.00
08/18/2004	***ADDITIONAL FILE # 9***		0.00
08/19/2004	PLTFS Resp. TO DEFNS MOT TO SERVER AND ABATE	I	0.00
08/31/2004	*ORD DENYING PLTFS MOT. TO SET ASIDE VOLUNTARY NON	IM	0.00
09/07/2004	LETTER	I	0.00
11/08/2004	***ORD GRANTING DEFNS TRADITIONAL MOT FOR SUM/JUDG	IM	0.00
11/08/2004	BLUE CARD		0.00
11/08/2004	*ORD DENYING PLTFS MOT TO SET ASIDE VOLUNTARY	IM	0.00
12/07/2004	PLTF MOTION FOR NEW TRIAL	YI	35.00
12/07/2004	Mot FOR RECUSAL FROM HRG ON MOT FOR NEW TRIAL &	I	0.00
12/07/2004	RTN ENV (KERVYN B. ALTAFFER, JR)	I	0.00
12/10/2004	*ORDER OF RECUSAL*	IM	0.00
12/21/2004	*ORD OF ASSIGNMENT BY THE PRESIDING JDG*	IM	0.00
12/30/2004	RTN ENV (JASON BERENT)	I	0.00
01/05/2005	***ORDER OF TRANSFER*** (96TH) (C/M 1/6/05)	IM	0.00
01/07/2005	***CASE CLOSED PER ORDER SIGNED 11/8/04***		0.00
01/07/2005	PLTF MOTION TO RECUSE	I	0.00
01/11/2005	LETTER from the CT.	I	0.00
01/13/2005	RETURNED ENVELOPE (ATTY KERVYN ALTAFFER JR)	I	0.00
01/14/2005	LETTER (RE: CANCELLATION NOTICE)	I	0.00
01/18/2005	LETTER FROM THE CT.	IM	0.00
01/19/2005	*SUPREME COURT LETTER (PETITION MANDAMUS DENIED)	I	0.00
01/21/2005	*SUPREME COURT LTR (DENYING MOT FOR EMERGENCY ST	I	0.00
01/24/2005	RTD ENVELOPE (JASON M BERENT)	I	0.00
02/01/2005	RETURNED ENVELOPE (JERVYN ALTAFFER)	I	0.00
02/03/2005	*PLTF'S NOTICE OF APPEAL	I	0.00
02/03/2005	*CLERK'S RECORD DUE 3/8/05		0.00
02/07/2005	*LETTER TO COURT REPORTER	I	0.00
02/09/2005	LETTER FROM THE CT.	I	0.00
02/14/2005	*SUPREME COURT LETTER (APPOINTING JUDGE QUAY	I	0.00
03/09/2005	LETTER FROM THE CT.	I	0.00
03/09/2005	LETTER FROM THE CT.	I	0.00
03/21/2005	Subpoena-ISSUED ON RANDEL KIRK-On 03/21/2005	YI	8.00
03/21/2005	Subpoena-ISSUED ON MALCOLM G. RENWICK-On 03/21/200	YI	8.00
03/21/2005	LETTER FROM JOHN CLOPTON	I	0.00
03/21/2005	*PLTF'S REQ/ADDITIONAL ITEMS/DOCUMENTS INCLUDED	I	0.00
03/21/2005	RTD ENVELOPE (JASON M BERENT)	I	0.00
03/21/2005	*LETTER (CT/APPEALS)	I	0.00
03/24/2005	DEPUTY COURT REPORTER'S STATEMENT	I	0.00

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASE

Page: 7
Date: 07/21/2009
Time: 14:21

Cause Number: 096-185590-00		Date Filed: 11/30/2000	
JOHN BENJAMIN CLOPTON JR, ET AL	v s	AIRPORT MARINA HOTEL, INC, ET AL	
Cause of Action: WRONGFUL DEATH WITHOUT MTR VEH INVOLVED			
Case Status.....: SUMMARY JUDGMENT DISPOSING OF CAUSE			

Filemark	Description		Fee Total
04/06/2005	Costbill (Short) for \$910		0.00
04/07/2005	*ORDER DENYING MOT TO RECUSE*	IM	0.00
04/11/2005	LETTER from the CT.	I	0.00
04/11/2005	***ADDITIONAL FILE # 10*****		0.00
04/12/2005	(EXHIBIT P-1) ORDER NO 9 SETTING BRIEFING SHEDULE	I	0.00
04/12/2005	(EXHIBIT P-25) LETTER COURT OF APPEALS	I	0.00
04/12/2005	(EXHIBIT P-5) APPLICATION FOR TURNOVER RELIEF BY	I	0.00
04/12/2005	(EXHIBIT P-6) PLTFS APPLICATION FOR WRIT OF	I	0.00
04/12/2005	(EXHIBIT P-32) MOT FOR EMERGENCY STAY	I	0.00
04/12/2005	(EXHIBIT P-33) PETITIONER'S CLOSING ARGUMENT &	I	0.00
04/12/2005	(EXHIBIT P-31) PETITION FOR WRIT OF MANDAMUS)	I	0.00
04/12/2005	CLERK'S RECORD	Y	910.00
04/12/2005	*LETTER (CT/APPEALS) RECORD DUE 5/12/05	I	0.00
05/13/2005	Clerk's Record-Created on 05/13/2005	I	0.00
07/07/2005	CLERK'S RECORD-SUPPLEMENTAL CLERK'S RECORD	Y	181.00
07/07/2005	*LETTER FROM COURT REPORTER	I	0.00
07/15/2005	*LETTER FROM COURT REPORTER	I	0.00
07/20/2005	*APPELLANTS REQ/AFFDT FROM CT REPORTER REGARDING	I	0.00
07/21/2005	*AFFDT - SUSAN HAINES	I	0.00
07/27/2005	*PRINT OUT SUPPLEMENTAL DESIGNATION	I	0.00
08/02/2005	*1ST SUPPL CLERK'S RECORD FILED (\$201.00)	I	0.00
08/02/2005	COSTBILL (SHORT) FOR \$26 (CLERK'S RECORD)	I	0.00
08/05/2005	CLERK'S RECORD	Y	26.00
08/10/2006	*JUDG & OPIN (APPEALS) AFFIRMED	I	0.00
08/31/2006	*PAGE 3 TO BE SUBSTITUTED FOR ORIG OPINION	I	0.00
02/13/2007	*POST CARD FROM SUPREME COURT	I	0.00
02/26/2007	*POST CARD FROM SUPREME COURT	I	0.00
04/02/2007	OFFICIAL NOTICE FROM SUPREME COURT OF TEXAS	I	0.00
04/10/2007	*LETTER - COURT OF APPEALS (RE: EXHIBITS)	I	0.00
04/10/2007	*MANDATE (APPEALS) AFFIRMED	I	0.00
04/27/2007	*PET NOT/APPEAL TO SUPREME CT OF UNITED STATES	I	0.00
01/07/2008	LETTER FROM PLTF'S (PRO SE) TO DEFN' ATTY	I	0.00
01/15/2008	LETTER CONF FAX	I	0.00
01/15/2008	LETTER FROM CLOPTON'S TO SHAW	I	0.00
01/16/2008	LETTER FROM CLOPTON'S TO RENWICK	I	0.00
01/16/2008	LETTER FROM CLOPTON'S TO SKEEN	I	0.00
01/30/2008	Interrogatories IN AID OF JDGMT DIRECTED TO CORPOR	I	0.00
01/30/2008	Req TO THE CORPORATE DEFN FOR PROD OF DOC & THINGS	I	0.00

Total Number Of Records Printed: 296

EXHIBIT 11
Page 7 of 7

NO. 236-185590-00

VS.

[illegible]

EXHIBIT 12
Page 1 of 5

employees known or unknown, as well as their attorney Van Shaw, up to and including the date of execution of this Release, including but not limited to all damages growing out of or in anywise incident of any known or unknown injuries, losses, costs, expenses, loss of consortium or damages sustained by JOHN BENJAMIN CLOPTON, JR., INDIVIDUALLY, BARBARA ANN CLOPTON, INDIVIDUALLY, JOHN BENJAMIN CLOPTON, JR. AND/OR BARBARA ANN CLOPTON as The Heirs of the Estate of DAVID WAYNE CLOPTON, Deceased, on or about the 1st day of January, 1999, in Tarrant County, Texas. We do agree that contemporaneously herewith, suit styled John Benjamin Clopton, Jr., et al v. Airport Marina Hotel, Inc., et al, Cause No. 236-185590-00, in the 236th Judicial District Court of Tarrant County, Texas, shall be dismissed with prejudice against the refiling of the same by JOHN BENJAMIN CLOPTON, JR., INDIVIDUALLY, BARBARA ANN CLOPTON, INDIVIDUALLY AND JOHN BENJAMIN CLOPTON, JR. AND BARBARA ANN CLOPTON as The Heirs of the Estate of DAVID WAYNE CLOPTON, Deceased, and with court costs incurred herein to be paid by the party incurring the same, and we agree to hold the said AIRPORT MARINA HOTEL, INC. AKA HYATT EAST REGENCY DFW, DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, DFW AIRPORT HOTEL ASSOCIATES, BEAR CREEK DFW AIRPORT HOTEL ASSOCIATES, LTD., HYATT CORPORATION, HYATT CORPORATION d/b/a HYATT REGENCY DALLAS REUNION, HUNT REUNION COMPANY, HUNT-WOODBINE REALTY CORPORATION, HYATT REGENCY DALLAS CORPORATION, HYATT HOTELS CORPORATION and/or POLK SMITH REGENCY, INC. and their insurers, agents, servants and employees harmless from and to defend and indemnify AIRPORT MARINA HOTEL, INC. AKA HYATT EAST REGENCY DFW, DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, DFW AIRPORT HOTEL ASSOCIATES, BEAR CREEK DFW AIRPORT HOTEL ASSOCIATES, LTD., HYATT CORPORATION, HYATT CORPORATION d/b/a HYATT REGENCY DALLAS REUNION, HUNT REUNION COMPANY, HUNT-WOODBINE REALTY CORPORATION, HYATT REGENCY DALLAS CORPORATION, HYATT HOTELS CORPORATION and/or POLK SMITH REGENCY, INC. and their insurers, agents, servants and employees against all further claims (whether such claims are made directly or indirectly, for contribution or indemnity or otherwise); demands; costs or expenses incurred by them in the event JOHN BENJAMIN CLOPTON, JR., INDIVIDUALLY, BARBARA ANN CLOPTON, INDIVIDUALLY, AND JOHN BENJAMIN CLOPTON, JR. AND/OR BARBARA ANN CLOPTON as The Heirs of the Estate of DAVID WAYNE CLOPTON, Deceased, or any party ever institutes suit or files a claim against AIRPORT MARINA HOTEL, INC. AKA HYATT EAST REGENCY DFW, DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, DFW AIRPORT HOTEL ASSOCIATES, BEAR CREEK DFW AIRPORT HOTEL ASSOCIATES, LTD., HYATT CORPORATION, HYATT CORPORATION d/b/a HYATT REGENCY DALLAS REUNION, HUNT REUNION COMPANY, HUNT-WOODBINE REALTY CORPORATION, HYATT REGENCY DALLAS CORPORATION, HYATT HOTELS CORPORATION and/or POLK SMITH REGENCY, INC. and/or their insurers, agents, servants and employees with respect to the allegations that are the subject matter of the above-mentioned cause or for any damages sustained by JOHN BENJAMIN CLOPTON, JR., INDIVIDUALLY, BARBARA ANN CLOPTON, INDIVIDUALLY, JOHN BENJAMIN CLOPTON, JR. AND/OR BARBARA ANN CLOPTON as The Heirs of the Estate of DAVID WAYNE CLOPTON,

Deceased or derivatively through them for any damages sustained on or before the date of execution of this Release; such indemnification shall include, but is not limited to, the amounts of said claims and the costs of defending them, including court costs and attorney's fees.

Further, JOHN BENJAMIN CLOPTON, JR., INDIVIDUALLY, BARBARA ANN CLOPTON, INDIVIDUALLY AND JOHN BENJAMIN CLOPTON, JR. AND BARBARA ANN CLOPTON as The Heirs of the Estate of DAVID WAYNE CLOPTON, Deceased expressly warrant that no member of their family, including minors, has suffered any psychic injury, mental anguish, and/or damage to the familial relationship as a result of the occurrence in question and JOHN BENJAMIN CLOPTON, JR., INDIVIDUALLY, BARBARA ANN CLOPTON, INDIVIDUALLY AND JOHN BENJAMIN CLOPTON, JR. AND BARBARA ANN CLOPTON as The Heirs of the Estate of DAVID WAYNE CLOPTON, Deceased's alleged damages and injuries known or unknown on or before the date of execution of this Release. We agree to hold harmless and completely indemnify and reimburse AIRPORT MARINA HOTEL, INC. AKA HYATT EAST REGENCY DFW, DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, DFW AIRPORT HOTEL ASSOCIATES, BEAR CREEK DFW AIRPORT HOTEL ASSOCIATES, LTD., HYATT CORPORATION, HYATT CORPORATION d/b/a HYATT REGENCY DALLAS REUNION, HUNT REUNION COMPANY, HUNT-WOODBINE REALTY CORPORATION, HYATT REGENCY DALLAS CORPORATION, HYATT HOTELS CORPORATION AND POLK SMITH REGENCY, INC. and their heirs, assigns, successors, agents, servants, employees, insurers and legal representatives from the payment of and for the defense of any and all such claims for psychic injury, mental anguish, and/or damage to the familial relationship, including court costs, expenses and reasonable attorneys' fees.

We do further represent and warrant that we have read this Release, understand the same, and execute it voluntarily upon our own best judgment.

WITNESS OUR HANDS at DALLAS, Texas, this 31st day of June, 2008.

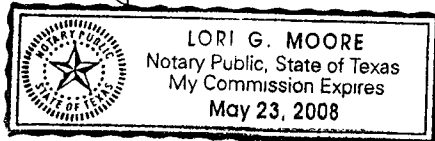
CAUTION! READ BEFORE SIGNING.

John Benjamin Clopton, Jr.
JOHN BENJAMIN CLOPTON, JR.,
INDIVIDUALLY AND AS THE HEIR OF
THE ESTATE OF DAVID WAYNE CLOPTON,
DECEASED

THE STATE OF TEXAS)
 DALLAS)
COUNTY OF ~~TARRANT~~)


BEFORE ME, the undersigned authority, on this day personally appeared JOHN BENJAMIN CLOPTON, JR., INDIVIDUALLY AND AS THE HEIR OF THE ESTATE OF DAVID WAYNE CLOPTON, DECEASED, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged such instrument to be his act and deed, and he declared that he had willingly signed the same for purposes and considered therein expressed, and that he did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of Jan, 2008.



Lori G. Moore
Notary Public in and for Said
County, Texas.

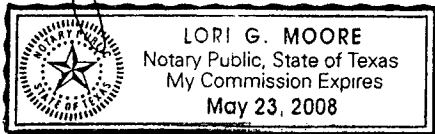
My commission expires 5/23/08.



BARBARA ANN CLOPTON, INDIVIDUALLY
AND AS THE HEIR OF THE ESTATE OF DAVID
WAYNE CLOPTON, DECEASED

THE STATE OF TEXAS)
)
COUNTY OF ~~TARRANT~~ ^{DALLAS})

BEFORE ME, the undersigned authority, on this day personally appeared BARBARA ANN CLOPTON, INDIVIDUALLY AND AS THE HEIR OF THE ESTATE OF DAVID WAYNE CLOPTON, DECEASED, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for purposes and considered therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 31st day of Jan, 2008.





Notary Public in and for Said
County, Texas.

My commission expires 5/23/08.

JOHN BENJAMIN CLOPTON, JR.

810 South FM 157

Post Office Box 368

Venus, Texas 76084

Telephone: 972-366-8980

Facsimile: 972-366-8980*

(*call first to set up)

August 20, 2004 (Friday)

⁰⁵⁹⁹
VIA FACSIMILE TRANSMISSION NO. (214/720-2222)

Mr. David A. Miller, Esq, Attorney at Law
1820 Lincoln Plaza
500 North Akard Street
Dallas, Texas 75201

Re: Cause No. 236-185590-00;
Clopton v. Airport Marina Hotel, Inc., et al.,
236th Judicial District Court, Tarrant County, Texas.

Dear Mr. Miller:

I am writing this letter to you as an outgrowth of the meeting with you and my wife, Barbara Ann Clopton that occurred immediately after Mountain Peak Special Utility District Board of Directors' Regular Monthly Meeting on Tuesday, August 10, 2004. Additionally, I am writing this letter to you to provide you with an update on the above entitled and numbered lawsuit that arose out of the tragic, horrific and untimely death of Barbara's and my younger son, DAVID WAYNE CLOPTON on January 1, 1999 just after DAVID had attended the Hyatt Regency DFW's New Year's Eve Party that was held at the Airport Marina Hotel, Inc., a.k.a. Hyatt East Regency DFW, which is located on the property of the Dallas/Fort Worth International Airport.

As you will recall, I stated that Barbara and I had filed: **"PLAINTIFFS' TRADITIONAL MOTION FOR SUMMARY JUDGMENT"**, and further, I stated, to wit: "We got um!" (The Five (5) CORPORATE DEFENDANTS).

The Court held a hearing on our Motion (along with several other motions) on August 19, 2004. To Barbara's and my chagrin, the Court granted the CORPORATE DEFENDANTS' Motion for Summary Judgment [Filed: June 27, 2003], enforcing the Settlement Agreement of \$75,000.00 which Barbara and I had, heretofore, revoked. We intend to attack and appeal this most unfair action of the Court to the fullest extent of the law. Barbara and I feel that we are victims of a major conspiracy of prominent members of the LEGAL COMMUNITY, et al.

Sincerely,



EXHIBIT 13
Page <u>1</u> of <u>1</u>

cc: Mr. Randel Kirk, General Manager, Mountain Peak SUD
VIA FACSIMILE TRANSMISSION NO. (972/775-6508)

Miller
entzer
acDonald, P.C.

Attorneys and Counselors

1820 Lincoln Plaza
500 North Akard St.
Dallas, Texas 75201

Telephone 214 720.2222
Telecopier 214 720.0599

100 North Main St.
P.O. Box 130
Palmer, Texas 75152

972 845 2222
972 845 3398

Website: www.milmen.com

Cheryl R. Daniels
Administrative Legal Assistant
Email: cdaniels@milmen.com

October 13, 2003

Kori Everett, Court Coordinator
Johnson County Courthouse
413th District
2 North Main Street
Cleburne, TX 76031

Via Regular Mail

**Re: John Benjamin Clopton, Jr. vs. Mountain Peak Water Supply Corporation, et al;
Cause No. 158-97; In the 413th Judicial District Court, Johnson County
Our File No. 7070.008**

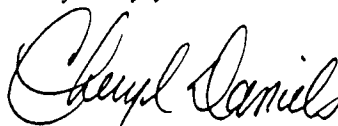
Dear Clerk,

Enclosed, please find originals and (4) copies each of our Notices of Nonsuit, in regards to the above-referenced case. Please file the Notices and return filed-stamped copies of same to me inside the self-addressed stamped envelope provided for your convenience.

Please contact me at the above Dallas number, should you have any questions.

Thank you.

Very truly yours,


Cheryl Daniels

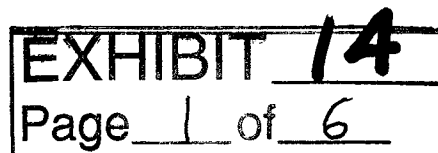
/crd

Enclosures

K: 7070 008 Court Ltr-Notices of Nonsuit 031013.wpd

cc John Benjamin Clopton, Jr. - Via Regular Mail
810 South Hwy 157
P.O. Box 368
Venus, Texas 76084

Randy Kirk - Via Fax (972) 775-6508



JOHN BENJAMIN CLOPTON, JR.,

Plaintiff,

vs

MOUNTAIN PEAK WATER SUPPLY
CORPORATION, ET AL.,

Defendants/Counterclaimants.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

JOHNSON COUNTY, TEXAS

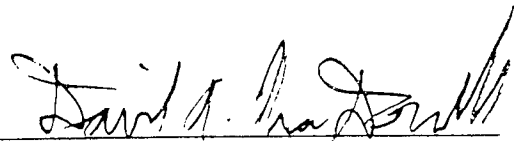
413th JUDICIAL DISTRICT

NOTICE OF NONSUIT

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Mountain Peak Water Supply Corporation, et al., hereby gives notice to this Court and to all other parties to this suit that it is taking a nonsuit of its Application for Turnover Relief by Mountain Peak Water Supply Corporation against Plaintiff John Benjamin Clopton, Jr., effective immediately on the filing of this Notice on this date, October 13, 2003.

Respectfully submitted,



David A. MacDonald

TBA No. 12755280

David A. Miller

TBA No. 14067025

MILLER MENTZER MACDONALD, P C

1820 Lincoln Plaza

500 North Akard Street

Dallas, TX 75201

Telephone: (214) 720-2222

Facsimile: (214) 720-0599

ATTORNEYS FOR PLAINTIFF
MOUNTAIN PEAK WATER SUPPLY
CORPORATION

David A. Miller
TBA No. 14067025
MILLER MENTZER MACDONALD, P.C
1820 Lincoln Plaza
500 North Akard Street
Dallas, TX 75201
Telephone: (214) 720-2222
Facsimile: (214) 720-0599

ATTORNEYS FOR PLAINTIFF
MOUNTAIN PEAK WATER SUPPLY
CORPORATION

EXHIBIT **14**
Page 3 of 6

NO. 158-97

MOUNTAIN PEAK WATER SUPPLY
CORPORATION,

Plaintiff,

vs.

HYATT CORPORATION, AIRPORT
MARINA HOTEL, INC. A/K/A HYATT
EAST REGENCY DFW, DALLAS/FORT
WORTH INTERNATIONAL AIRPORT
BOARD, DFW AIRPORT HOTEL
ASSOCIATES, and BEAR CREEK DFW
ASSOCIATES,

Garnishees

and

JOHN BENJAMIN CLOPTON, JR.,

Defendant.

IN THE DISTRICT COURT OF

JOHNSON COUNTY, TEXAS

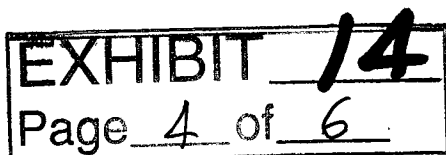
413TH JUDICIAL DISTRICT

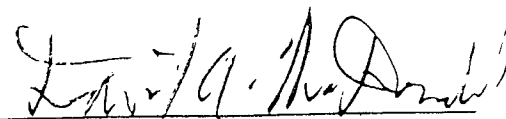
NOTICE OF NONSUIT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Mountain Peak Water Supply Corporation, hereby gives notice to this Court and to all other parties to this suit that it is taking a nonsuit of Plaintiff's Application for Writ of Garnishment after Judgment against Hyatt Corporation, Airport Marina Hotel, Inc. a/k/a Hyatt East Regency DFW, Dallas/Fort Worth International Airport Board, DFW Airport Hotel Associates, and Bear Creek DFW Associates, Ltd., effective immediately on the filing of this Notice on this date, October 13, 2003.

Respectfully submitted,




David A. MacDonald
TBA No. 12755280

David A. Miller
TBA No. 14067025
MILLER MENTZER MACDONALD, P C
1820 Lincoln Plaza
500 North Akard Street
Dallas, TX 75201
Telephone: (214) 720-2222
Facsimile: (214) 720-0599

ATTORNEYS FOR PLAINTIFF
MOUNTAIN PEAK WATER SUPPLY
CORPORATION

EXHIBIT 14
Page 5 of 6

ATTORNEYS AND COUNSELORS



PITNEY BOWES

1470 U.S. POSTAGE PB5514163
0091\$00.370 OCT 13 2003
3001 MAILED FROM ZIP CODE 75201

Variable	Mean	SD	Min	Max
Age	38.5	12.5	25	65
Gender	0.5	0.5	0	1
Marital status	0.7	0.5	0	1
Education	12.5	2.5	9	16
Income	3500	1500	1000	8000
Health status	0.8	0.4	0	1
Stress level	4.5	1.5	1	7
Life satisfaction	5.5	1.5	1	9
Work-life balance	3.5	1.5	1	7
Family support	4.0	1.5	1	7
Community support	3.0	1.5	1	7
Workload	6.0	1.5	3	9
Job satisfaction	5.0	1.5	1	9
Organizational commitment	4.5	1.5	1	7
Turnover intention	2.0	1.5	1	5
Employee engagement	5.5	1.5	1	9
Work-life balance	3.5	1.5	1	7
Family support	4.0	1.5	1	7
Community support	3.0	1.5	1	7
Workload	6.0	1.5	3	9
Job satisfaction	5.0	1.5	1	9
Organizational commitment	4.5	1.5	1	7
Turnover intention	2.0	1.5	1	5
Employee engagement	5.5	1.5	1	9

EXHIBIT 14
Page 6 of 6

NO. 158-97

Ok to
close
W. B. Smith
12-14-05

MOUNTAIN PEAK WATER SUPPLY
CORPORATION,

Plaintiff,

vs.

HYATT CORPORATION, AIRPORT
MARINA HOTEL, INC. A/K/A HYATT
EAST REGENCY DFW, DALLAS/FORT
WORTH INTERNATIONAL AIRPORT
BOARD, DFW AIRPORT HOTEL
ASSOCIATES, and BEAR CREEK DFW
ASSOCIATES,

Garnishees

and

JOHN BENJAMIN CLOPTON, JR.,

Defendant.

IN THE DISTRICT COURT OF

JOHNSON COUNTY, TEXAS

413TH JUDICIAL DISTRICT

FILED
DAVID LLOYD
DISTRICT CLERK
JOHNSON COUNTY, TEXAS
2003 OCT 16 AM 10:53
BY [Signature]

NOTICE OF NONSUIT

TO THE HONORABLE JUDGE OF SAID COURT:

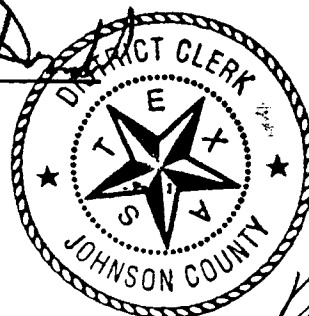
Plaintiff Mountain Peak Water Supply Corporation, hereby gives notice to this Court and to all other parties to this suit that it is taking a nonsuit of Plaintiff's Application for Writ of Garnishment after Judgment against Hyatt Corporation, Airport Marina Hotel, Inc. a/k/a Hyatt East Regency DFW, Dallas/Fort Worth International Airport Board, DFW Airport Hotel Associates, and Bear Creek DFW Associates, Ltd., effective immediately on the filing of this Notice on this date, October 13, 2003.

A CERTIFIED COPY 413th
DISTRICT COURT
ATTEST: 4-20 2009
DATES
DAVID R. LLOYD
District Clerk Johnson
County, Texas
NOTICE OF NONSUIT

Respectfully submitted,

David A. MacDonald
David A. MacDonald
TBA No. 12755280

EXHIBIT 15
Page 1 of 2



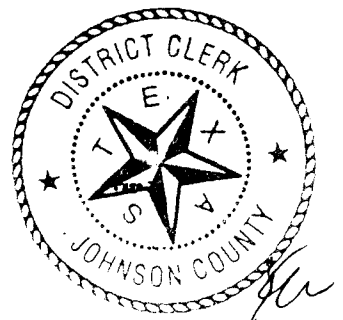
David A. Miller
TBA No. 14067025
MILLER MENTZER MACDONALD, P.C.
1820 Lincoln Plaza
500 North Akard Street
Dallas, TX 75201
Telephone: (214) 720-2222
Facsimile: (214) 720-0599

ATTORNEYS FOR PLAINTIFF
MOUNTAIN PEAK WATER SUPPLY
CORPORATION

EXHIBIT **15**
Page 2 of 2

NOTICE OF NONSUIT

K:\7070006\nonsuit.not.parishment-epg.wpd



Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

October 1, 2007

Mr. John Benjamin Clopton, Jr.
PO Box 368
Venus, TX 76084

Re: John Benjamin Clopton, Jr., et ux.
v. Airport Marina Hotel, Inc., et al.
No. 07-5018

Dear Mr. Clopton:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



William K. Suter, Clerk

