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DOUGLAS COUNTY, NV

Rec:\$18.00 Total:\$18.00 2014-854226 12/11/2014 03:42 PM

BROOKE SHAW ZUMPFT

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WHEN RECORDED, RETURN TO: G. David Robertson, Esq.

Robertson, Johnson, Miller & Williamson 50 W. Liberty Street, Suite 600

Reno, Nevada 89501

KARENELLISON, RECORDER

MEMORANDUM OF SETTLEMENT AND FORBEARANCE AGREEMENT

Notice is hereby given that a certain "Settlement and Forbearance Agreement" dated November 29, 2014, has been entered into by and between BRANCH BANKING TRUST COMPANY, a North Carolina banking corporation ("BB&T"); and MICHAEL E. JARRETT, an individual, D. GERALD BING, JR., an individual, and D. GERALD BING, JR., Trustee of the D. GERALD BING TRUST dated January 17, 2000 (collectively "Guarantors").

The subject of the Settlement and Forbearance Agreement ("Agreement") is that certain Judgment of the United States District Court in Case Number 3:13-cv-00235-RCJ-VPC dated June 9, 2014, in the amount of \$3,488,129.29 entered in favor of BB&T and against the Guarantors ("Judgment"), which Judgment was recorded by the Douglas County Recorder's Office as Document #844604 and is attached hereto as Exhibit "A."

The Agreement acknowledges that certain payments toward satisfaction of said Judgment have been made by the Guarantors, and that BB&T agrees not to pursue any further collection upon the Judgment against the Guarantors so long as Clock Tower Center, LLC, a Nevada limited liability company ("Clock Tower"), timely pays the full amount due from Clock Tower to BB&T pursuant to Clock Tower's Confirmed Plan, with the final payment due thereunder on April 2, 2019. Once such final payment has been made, BB&T has agreed to execute a full Satisfaction of Judgment in favor of the Guarantors with respect to the Judgment.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Settlement and Forbearance Agreement on this 28 day of November, 2014.

and Forbearance Agreement on this 29	_ day of November, 2014.
	BRANCH BANKING TRUST COMPANY,
	a North Carolina banking corporation
	By:
	Name: PUTUE MUGOT Its: Swion Vice Passides
	School VICE THE STORY
	Gufall Javet
<	MICHÁEL E. JARRETT, individually
	D. GERALD BING, JR., an individual,
/ /	D SERALD PRICE IN TO 4 Cd
((D. GERALD BING, JR., Trustee of the D. GERALD BING TRUST dated January 17, 2000
	\ \
STATE OF LOXON)).
; SS	
COUNTY OF Dollar)	
This instrument was acknowledged	before me on 28 day of November, 2014 by
BANKING TRUST COMPANY, a North (as St. Vice Kresident, of BRANCH
DAINKING/TROST COMPANT, a Notifi C	aronna banking corporation.
COCCOCCOCCOCCOCCOCCOCCOCCOCCOCCOCCOCCOC	Man of Man & and
MARY M RAWDON 8	NOTARY PUBLIC
Notary Public STATE OF TEXAS	(/
My Comm. Exp. 11-07-15	V
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STATE OF NEVADA)
COUNTY OF Douglas	: ss) December
This instrument was acknown MICHAEL E. JARRETT. LETITIA G. TQGNOTTI Notary Public - State of Nevada Appointment Recorded in Douglas County No: 11-3999-5 - Expires February 1, 2015	owledged before me on _\o day of _November, 2014 by NOTARY PUBLIC
STATE OF NEVADA) : ss
COUNTY OF Danglas) Deumken
This instrument was acknown. D. GERALD BING.	owledged before me on 10 day of November, 2014 by
LETITIA G. TQGNOTTI Notary Public - State of Nevada Appointment Recorded in Douglas County No: 11-3999-5 - Expires February 1, 2015	NOTARY PUBLIC
STATE OF NEVADA)
COUNTY OF Danglas	: ss) December
This instrument was acknown. D. GERALD BING, JR., as Trustee	
LETITIA G. TOGNOTTI Notary Public - State of Nevada Appointment Recorded in Douglas County No: 11-3999-5 - Expires February 1, 2015	NOTARY PUBLIC

Assessor's Parcel Number:		
Recording	Requested By:	
Name: Frank Z. LaForge, Holland & Hart LLP		
Address:	5441 Kietzke Lane, Second Floor	
City/State	Reno, Nevada 89511	

DOC # 844604
06/17/2014 11:46AM Deputy: AR
OFFICIAL RECORD
Requested By:
Holland & Hart LLP - Reno
Douglas County - NV
Karen Ellison - Recorder
Page: 1 of 2 Fee: \$15.00
BK-614 PG-3836 RPTT: 0.00

Real Property Transfer Tax:

JUDGMENT

(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

This cover page must be typed or legibly hand printed.

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕.

UNITED STATES DISTRICT COURT

***** DISTRICT OF NEVADA

BRANCH BANKING TRUST COMPANY, a North Carolina banking corporation,

Plaintiff,

JUDGMENT IN A CIVIL CASE

V.

CASE NUMBER: 3:13-cv-00235-RCJ-VPC

MICHAEL E. JARRETT, an individual; D. GERALD BING, JR., an individual; D. GERALD BING, JR., et al. Trustee of the D. GERALD BING, JR. TRUST dated January 17, 2000, and DOES 1 through 10 inclusive,

Defendants.

- ___ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ____ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.
- X Decision by Court. This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Plaintiff's motion for partial summary judgment (#34) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment (#53) is GRANTED. Plaintiff is entitled to damages in the amount of \$3,488,129.29.

June 9, 2014

LANCE S. WILSON

Clerk

/s/ D. R. Morgan
Deputy Clerk

CERTIFIED TO B

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Deputy Che