

Dallas County Clerk
CYNTHIA FIGUEROA CALHOUN



STATE OF TEXAS §

COUNTY OF DALLAS §

I, Cynthia Figueroa Calhoun, Clerk of the County Court of Dallas County at Law No.4 , Dallas County, Texas do hereby certify that the foregoing is a true and correct copy of document in Cause No. cc-05-09707

LAKEVIEW POWER EQUIPMENT, INC. and KEVIN KERBEL

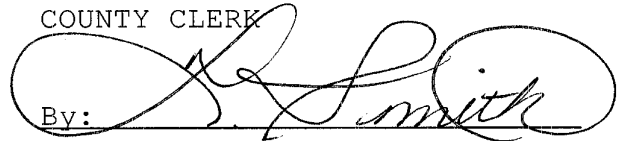
VS

POPULAR LEASING USA, INC.

SUMMARY JUDGEMENT, ENTERED IN VOLUME 180, PAGE 1264, MINUTES OF COUNTY COURT AT LAW NO.4, DALLAS COUNTY, TEXAS.

WITNESS MY HAND AND SEAL of said Court this
23rd Day of MARCH A.D. 2006.

CYNTHIA FIGUEROA CALHOUN,
COUNTY CLERK

By: 

LAKEISHA SMITH, Deputy

CAUSE CC-05-09707-d

LAKEVIEW POWER EQUIPMENT, INC.
KEVIN KERBEL,

Plaintiff

VS.

POPULAR LEASING U.S.A., INC.,

Defendant.

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IN THE COUNTY COURT

AT LAW FOUR

DALLAS COUNTY, TEXAS

SUMMARY JUDGMENT THAT ACCELERATION CLAUSE IS UNENFORCEABLE

On March 17, 2005, the Court heard and considered Plaintiffs' Motion for Summary and Declaratory Judgment That Acceleration Clause Is Unenforceable Penalty ("Plaintiffs' Motion"). Lakeview Power Equipment, Inc. ("Lakeview") and Kevin Kerbel (collectively "Plaintiffs") and Popular Leasing USA, Inc. ("Popular") each appeared through their respective counsel and presented argument. The Court has reviewed the summary judgment record, and is of the opinion that Plaintiffs' Motion and the relief thereby requested should be granted in all respects. Accordingly,

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that:

1. Plaintiffs' Motion and the relief thereby requested are granted in all respects; and
2. Plaintiffs are granted summary and declaratory judgment that the provisions in the purported equipment rental agreement alleged in Defendant's counterclaim and other pleadings in this case which provide for acceleration and recovery of future rentals as immediately due and owing constitute a penalty and are therefore unenforceable.

SIGNED on March 17, 2006.

JUDGE PRESIDING



TRUE AND CORRECT
COPY OF ORIGINAL
FILED IN DALLAS
COUNTY CLERK'S OFFICE