

Rule 11 Agreement

Collin County, Texas vs Alshell Construction Company, and Westchester Surplus Lines Insurance Company vs. Harrington Excavation, Inc. and Nortex Glass and Mirror, Cause No 366-0298-08, District Court of Collin County, Texas, 366th Judicial District (the "Lawsuit"),

On May 18, 2009 a mediation was held in the above-referenced matter and the following was agreed:

(1) Collin County, Texas "Collin County" will receive from defendants the sum of \$242,065 as follows: Westchester Surplus Lines Insurance Company "Westchester" will pay \$67,500.00 on behalf of Alshell Construction Company ("Alshell"), Maryland Casualty/Zurich will pay on behalf Harrington Excavation, Inc. ("Harrington") the sum of \$157,500.00 and Nortex Glass and Mirror will pay the sum of \$17,065.00.

(2) Collin County will pay Alshell the retainer fee of \$32,000.

- 3) lawsuit will be dismissed with ^{Claim and counterclaims and} prejudice each side to pay their ^{Third Party} attorney's fees and costs ^{claims} incurred. ^{own}
- 4) The parties will sign mutual releases regarding all claims that could have been made in the Lawsuit. Alshall Harrington, and NorTex will remain liable for intert defects.
- 5) Duncan Glover will prepare final Settlement documents.
- 6) Payment will be made within 30 day of notification that the Collin County Commissioners Court has approved the Settlement.
- 7) Agreement subject to Commissioners' Court Approval

Andrew R. Night

Attorney for Alshall

[Signature]

Attorney for Westchester

[Signature]
Attorney for Collin County

[Signature]

Attorney for ~~Zurich~~
Harrington