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VIRGINIA:

IN THE CIRCUIT COURT OF ALBEMARLE COUNTY

JOHN H. BIRDSALL et al.,
Plaintiffs,

v.

Case No. CL17000001-00

FOXFIELD RACING ASSOCIATION, INC., et al.,

Defendants.

ORDER

THIS MATTER CAME before the Court, by counsel, on the joint motion of the parties to release the *lis pendens* filed upon real estate affected by this lawsuit and to dismiss this action with prejudice.

UPON CONSIDERATION of said motion and agreement of the parties, as evidenced by the signatures of counsel below, and finding it appropriate to do so, the Court ORDERS as follows:

1. That the Memorandum of *Lis Pendens* recorded at Deed Book 4862, Pages 94-102, and the Amended and Restated Memorandum of *Lis Pendens* recorded at Deed Book 4866, Pages 460-466, are hereby RELEASED;

2. That, pursuant to Virginia Code § 8.01-269, the names of all the interested parties, as found in each of the two *lis pendens*, are hereby listed for the Clerk: (i) John H. Birdsall, (ii) Harry Burn, (iii) Reynolds Cowles, (iv) Landon Hilliard, (v) Kiwi Hilliard, (vi) John G. Macfarlane, III, (vii) Dudley Macfarlane, (vii) Jack Sanford, Jr., (viii) Foxfield Racing Associatios, Inc., and (ix) Thomas J. Dick;

3. That the Clerk shall cause such release to be spread upon the land records of Albemarle County.

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4. That Plaintiffs' Complaint, as amended, is hereby DISMISSED WITH PREJUDICE, and that each party shall bear their own attorneys' fees, costs, and expenses.

AND THIS CAUSE IS ENDED.

IT IS SO ORDERED this 10 day of December, 2019.

Cheryl V. Higgins
Judge of the Albemarle Circuit Court

WE ASK FOR THIS:

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