

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

JOHN AND JEANNETTE SCHWARTZ, et al.

Plaintiffs.

vs.

BANN-COR MORTGAGE, et al.,

Defendants.

Case No. 00 CV 226639  
Case No. 00 CV 226639-01  
Case No. 00 CV 226639-02  
Case No. 00 CV 226639-03

Division 14

**FINAL JUDGMENT**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The settlement of this class action on the terms set forth in the parties' Settlement Agreement and Release (the "Agreement"), dated May 11, 2009, is approved, and the following Settlement Class is granted final certification for settlement purposes under Mo. R. Civ. P. 52.08:

**All persons who, on or after October 31, 1994, obtained a "Second Mortgage Loan" as defined in R.S. Mo. § 408.231.1, that was secured by a mortgage or a deed of trust on residential real property located in the State of Missouri, originated by Bann-Cor Mortgage, and purchased by and/or assigned to TMS Mortgage, Inc., d/b/a The Money Store.**

2. Individual notice complying with Rule 52.08 was sent to the last-known address of each member of the Settlement Class. The Court finds all members of the Settlement Class as identified on Schedule a to the Settlement Agreement to be Settlement Class Members who are bound by this Final Judgment.

3. The claims in this Litigation against the HomeEq Defendants, including Plaintiffs' motions for sanctions, are dismissed on the merits and with prejudice according to the terms set forth in the Settlement Agreement and in the Court's Order Finally Approving the Class Action

Settlement and Certifying a Class for Settlement Purposes, dated this same date, July 6, 2009 (the "Approval Order"), without costs to any party except as provided therein.

4. On March 25, 2008, this Court certified a litigation class that included certain borrowers whose loans were originated by Bann-Cor Mortgage but were never purchased by, or otherwise assigned to The Money Store (such borrowers, collectively, are the "Non-HomEq Plaintiff Borrowers"). On March 26, 2008, this Court severed the claims of the Non-HomEq Plaintiff Borrowers from those of the Settlement Class Members. This Court finds and concludes that the Non-HomEq Plaintiff Borrowers are not asserting any claims against the HomEq Defendants in the Litigation and cannot recover any damages from the HomEq Defendants as a result of the Bann-Cor Loans. This Court hereby Orders that the Non-HomEq Plaintiff Borrowers are forever barred from recovering damages from the HomEq Defendants as a result of the Bann-Cor Loans.

5. The Named Plaintiffs and all Settlement Class Members shall be bound by the release provided in Paragraph 6 of the Agreement. No persons have requested exclusion from the Settlement Class.

6. The Court will retain continuing jurisdiction over this Litigation for the reasons and purposes set forth in this Court's Approval Order. The Court expressly determines there is no just reason for delay under Rule 74.01.

7. Unless otherwise provided herein, all capitalized terms in this Order shall have the same meaning as those terms in the Agreement.

DATED: July 6, 2009



John M. Torrence, Circuit Judge

A TRUE COPY - ATTEST  
CIRCUIT COURT OF JACKSON COUNTY, MO  
COURT ADMINISTRATOR'S OFFICE  
DEPARTMENT OF CIVIL RECORDS



BY \_\_\_\_\_ CO: