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 CLERK, FSM SUPREME COURT
 KOSRAE
 TRIAL DIVISION

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 ATTORNEY FOR ESTATE OF CLAUDE PHILLIP
 BY BETTY PHILLIP, ADMINISTRATOR

**SUPREME COURT
 FEDERATED STATES OF MICRONESIA
 TRIAL DIVISION - STATE OF KOSRAE**

FSM Development Bank,)	CIVIL ACTION NO. 2012-2003
)	
Plaintiff,)	
v.)	JOINT MOTION;
)	STIPULATED ORDER IN AID OF
TROPICAL WATERS KOSRAE, INC.,)	JUDGMENT
CLAUDE PHILLIP, AND RONALD)	
BICKETT,)	
)	
Defendants.)	
)	

Plaintiff, Federated States of Micronesia Development Bank ("FSMDB"), and Claude Phillip/Estate of Claude Phillip by Administrator Betty Phillip ("Defendant"), through their respective counsels of record, have stipulated and agreed to entry of an Order in Aid of Judgment. The parties have stipulated to judgment and said Stipulated Judgment is being

filed concurrently. The parties now jointly request the entry of an Order in Aid of Judgment, as set forth below.

The parties are in agreement that Plaintiff FSMDB shall be entitled to an Order in Aid of Judgment, pursuant to 6 FSMC Section 1409 as follows:

1. The parties agree that that the amount due from the Defendant to FSMDB is the amount specified in the Stipulated Judgment. The principal amount of the judgment shall accrue statutory post judgment interest at 9% per annum.

2. Defendant shall promptly request completion of survey and subdivision of the 5,574 square meter portion of parcel no. 082-K-12, Pukusrik Wan, Lelu Municipality, upon which the water bottling facility is located, complete with building, equipment, fixtures and other improvements. FSMDB shall bear the costs of the survey and subdivision. The survey shall be conducted at a time mutually agreed by FSMDB and Defendant, and FSMDB shall be present at the survey for designation of the boundaries of the 5,574 square meter portion.

3. Upon completion of the survey, subdivision and issuance of a new certificate of title for the 5,574 square meter subdivided portion of parcel no. 082-K-12, Defendant shall execute a lease agreement in favor of FSMDB for a thirty (30) year term at no cost to FSMDB with said lease being fully assignable to other parties without consent of Defendant. The

lease agreement shall include vehicle access from the public Lelu farm road to the subdivided portion along the existing private road. The lease agreement shall also provide utility access to the subdivided portion. The lease agreement shall further provide an option to renew the lease agreement at prevailing market rates after the initial thirty (30) year term and shall be registered at the Kosrae Land Court.

4. Defendant and the siblings of Claude Phillip shall execute in favor of FSMDB an easement and agreement for water rights for a thirty (30) year term to run concurrently with the lease agreement specified in paragraph 3 above. The easement shall provide for vehicle, utility and pipe access from the public Lelu farm road along the existing private road to the subdivided portion of parcel no. 082-K-12 and to the water source and springbox. The easement shall be non-exclusive as to the use of the private road. Defendant and the siblings of Claude Phillip shall consent to the survey of the existing private road and the springbox for the purpose of mapping the road and springbox upon a plat map. FSMDB shall bear the cost of the survey and mapping. The agreement for water rights shall provide for payment of a royalty of $\frac{1}{4}$ cent per bottle of water that is bottled at the water bottling facility for the first ten (10) year term, with the royalty rate subject to renegotiation for the remaining twenty (20) year term. The royalty shall be

paid on a quarterly basis to a Kosrae resident designated by signatories to the water rights agreement, who shall be responsible to distribute the royalty to other beneficiaries. The easement and agreement for water rights shall be fully assignable to other parties without consent of Defendant or any siblings of Claude Phillip and shall be registered at the Kosrae Land Court.

5. Defendant shall pay all amounts outstanding to FSM Social Security Administration incurred by Tropical Waters Kosrae Inc. and submit proof of payment to FSMDB.

6. Defendant and sibling of Claude Phillip shall execute a settlement agreement in a form acceptable to FSMDB.

7. Upon completion of all actions stated above, FSMDB agrees to:

- a. Execute and provide a release of the deed of trust granted by grantor Claude Phillip in favor of beneficiary FSMDB as to the 5,577 square meter portion of parcel no. 082-K-12, Lelu Municipality, registered on October 8, 2003 as document no. 10574.
- b. Waive its claims for attorney's fees and costs incurred in enforcement of the guaranty against Claude Phillip/Estate of Claude Phillip.

c. File a satisfaction of judgment as to the Second Cause of Action of the Complaint against Claude Phillip/Estate of Claude Phillip.

8. If Defendant fails to comply with this Order and Plaintiff is required to take further action to enforce this Order, or to otherwise collect on the judgment, Defendant shall be responsible for Plaintiff's legal fees and costs necessary to compel compliance with this order as the Court may allow.

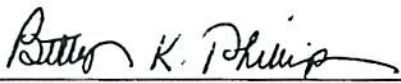
SO STIPULATED:

Dated: April 11, 2013



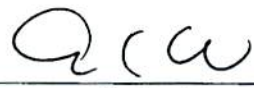
Nora E Sigrah
Attorney for Plaintiff
FSM Development Bank

Dated: April 5, 2013



Betty Phillip, Administrator
Defendant Claude Phillip/
Estate of Claude Phillip

Dated: April 10, 2013




Canney Palsis
Attorney for Defendant
Claude Phillip/Estate of
Claude Phillip

ORDER


The foregoing stipulation is approved and the joint motion is hereby granted. An Order in Aid of Judgment is hereby issued

according to and embracing the terms set forth in the stipulation and joint motion.

SO ORDERED this 23rd day of April, 2013.


Dennis K Yamase
Associate Justice

ENTERED this 23rd day of April 2013.


Clerk of Courts