

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO
Judge Christine M. Arguello**

Case No 15-cv-02468-CMA-GPG

GE COMMERCIAL DISTRIBUTION FINANCE LLC,
a Delaware limited liability company

Plaintiff

v.

DUFFY'S OUTDOOR POWER EQUIPMENT,
a Colorado limited liability company

Defendant.

ORDER ON NOTICE OF SETTLEMENT

Having reviewed the Notice of Settlement and Request for Entry of Agreed Final Judgment (Doc. #21), signed by the parties, and finding that good cause supports the same, the Court finds as follows:

1. The Court has jurisdiction of the parties and subject matter of this suit.
2. Unless otherwise defined, all capitalized terms used herein shall have the same meaning as those in the Complaint.
3. On November 9, 2015, CDF filed the underlying Complaint, which, among other things, sought replevin and final possession of CDF's Collateral, including Inventory Collateral, as well as a temporary order to preserve property. Damages related to the CDF indebtedness and CDF Security Documents are not presently sought through this action as they are subject to arbitration.

4. On November 12, 2015, the Court entered an Order to Show Cause and Preserve Property which directed Defendant Duffy's Outdoor Power Equipment ("Defendant") to appear on November 20, 2015, and show cause why CDF should not be awarded immediate possession of the Inventory Collateral.

5. A copy of the summons, complaint, Order to Show Cause and all other papers and motions filed by CDF were served on Defendant on November 12, 2015.

6. On November 19, 2015, Defendant agreed to voluntarily surrender possession of the Inventory Collateral to CDF.

7. On November 20, 2015, CDF, through counsel, appeared at the show cause hearing and explained that Defendant had agreed to surrender possession of the Inventory Collateral, but requested that the Court grant CDF an Order of Possession to ensure that Defendant would follow through with surrendering possession of the Inventory Collateral. CDF provided the Court with a copy of the Voluntary Surrender agreement signed by Defendant. [See Dkt. #12]. Defendant did not appear.

8. On November 25, 2015, the Court entered a Prejudgment Order for Possession after Hearing (the "Possession Order") in favor of CDF and against Dealer.

9. On December 7, 2015, CDF, with the aid of the Mesa County Sheriff pursuant to the Possession Order, recovered possession of the Inventory Collateral from Defendant.

10. Defendant does not dispute that CDF is entitled to final and permanent possession of the Collateral, including that Inventory Collateral recovered pursuant to

the Possession Order and consents to the Court entering a judgment thereon in favor of the CDF. It is therefore

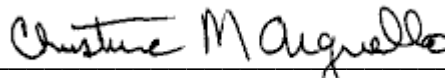
ORDERED that Plaintiff GE Commercial Distribution Finance LLC shall have judgment over and against Duffy's Outdoor Power Equipment, for final and permanent possession of its Collateral, including the Inventory Collateral recovered pursuant to the Court's Prejudgment Order for Possession After Hearing, and may exercise its rights in same, including its right of disposition, in accordance with the Security Documents and applicable law. It is

FURTHER ORDERED that this matter is fully and finally resolved. It is

FURTHER ORDERED each party to pay its own attorneys' fees and costs.

DATED: April 6, 2016

BY THE COURT:

A handwritten signature in black ink, reading "Christine M. Arguello", written over a horizontal line.

CHRISTINE M. ARGUELLO
United States District Judge