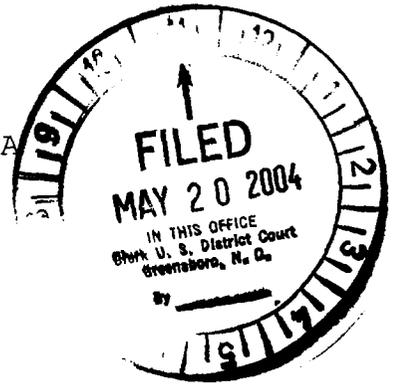


40.

D/LS

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



HOBART M. CLINE; LINDA S. CLINE;)
CARL SYPHRETT; CATHERINE IRBY)
SYPHRETT; JANIE MOSLEY-AUTERY;)
SALLY N. CARSON, on behalf of)
themselves and all others)
similarly situated,)

Plaintiffs,)

1:03CV00590

FAIRBANKS CAPITAL CORPORATION;)
DAVID W. NEILL, Substitute)
Trustee, ELIZABETH B. ELLS,)
Substitute Trustee;)
PHILLIP A. GLASS, Substitute)
Trustee,)

Defendants.)

JUDGMENT

OSTEEN, District Judge

For the reasons set forth in the memorandum opinion entered contemporaneously herewith,

IT IS ORDERED AND ADJUDGED that Plaintiffs' Motion to Remand [12] is granted and the action is remanded to Forsyth County Superior Court.

This the 20th day of MAY 2004.

William L. Osteen
United States District Judge