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7-6-2012

## Final Judgment (Avalon Holdings LLC)

Melvin K. Westmoreland  
*Superior Court Judge*

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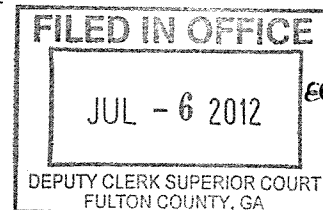
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**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**



**AVALON HOLDINGS, LLC, DARRYL )  
B. MOORE, LAVERIA A. KNOWLES, )  
and ALICE J. EKBERG, )**

**Plaintiffs, )**

**v. )**

**REGAL PLAZA FUNDING, LLC, )  
AMERIS BANK, and WILLIAM P. )  
MOSS, III, as Substitute Trustee Under )  
Deed of Trust Date January 8, 2008, )**

**Defendants. )**

**Civil Action File No.  
2009-CV-176138**

**FINAL JUDGMENT**

This matter came before the Court for jury trial on Tuesday, June 5, 2012 and concluded on Friday, June 8, 2012. A unanimous jury found that One Georgia Bank breached the loan agreement between Plaintiff Avalon Holdings, LLC and Regal Plaza Funding, LLC (the "Avalon Loan Agreement"). The jury unanimously found that Ameris is not a holder in due course of the Avalon Loan Agreement. The jury unanimously found that Ameris is a transferee of the Avalon Loan Agreement. The jury unanimously found that Plaintiffs Avalon Holdings, LLC, Darryl B. Moore and Laveria A. Knowles (collectively, the "Plaintiffs") are entitled to recover \$691,000.00 in compensatory damages and \$189,834.53 in attorneys' fees and expenses of litigation pursuant to O.C.G.A. § 13-6-11 from Ameris as transferee of the Avalon Loan Agreement. The jury unanimously found that Plaintiffs and Defendant Alice J. Ekberg are excused from paying Ameris under the Avalon Loan Agreement because of One Georgia Bank's breaches of that agreement.

Upon the conclusion of Ameris's case-in-chief and prior to submitting this action to the jury for deliberation, the Court granted Plaintiffs' Motion for Directed Verdict on Ameris's counterclaims for Waste (Counterclaim Count II), Conversion (Counterclaim Count III), Unjust Enrichment (Counterclaim Count IV) and Punitive Damages (Counterclaim Count V). The Court also hereby denies Defendant Ameris Bank's motion for directed verdict taken under advisement at the conclusion of Plaintiffs' case and at the conclusion of Defendants' case.

Based on the jury's unanimous verdict in this action and this Court's rulings on Plaintiffs' Motion for Directed Verdict, the Court hereby enters judgment for Plaintiffs and against Ameris in this action as follows:

1. Judgment is hereby entered in favor of Plaintiffs and against Ameris for \$691,000.00 in compensatory damages and \$189,834.53 in attorneys' fees and expenses of litigation pursuant to O.C.G.A. § 13-6-11.

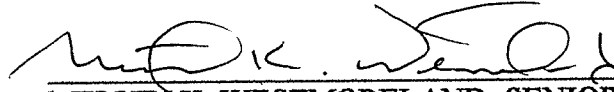
2. All of Ameris's counterclaims in this action, including the counterclaims dismissed on Motion for Directed Verdict as described above and Ameris's counterclaim for Breach of Loan Documents and Plaintiffs' Guaranties (Counterclaim Count I) are hereby dismissed with prejudice.

3. Pursuant to the Court's Order on Motion for Sanctions of May 4, 2012, the Court hereby awards Ameris \$5,130.00 in attorneys' fees, such amount to be credited Ameris against the award returned by the jury in favor of Plaintiffs.

Based upon the foregoing, a judgment in the total amount of \$875,704.53 is hereby entered in favor of Plaintiffs and against Ameris. Interest shall accrue on the outstanding amount of this judgment from the date of this judgment until paid at the rate set by O.C.G.A. § 7-4-12.

*[Signature to follow]*

SO ORDERED this 6<sup>th</sup> day of July, 2012.

  
MELVIN K. WESTMORELAND, SENIOR JUDGE  
Superior Court of Fulton County  
Atlanta Judicial Circuit

Copies sent electronically to:

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