

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 SCOTT J. SPOLIN, SBN 48724
 GORDON E. BOSSERMAN, SBN 65259
 SPOLIN COHEN MAINZER & BOSSERMAN LLP
 11601 Wilshire Blvd., Ste. 2410
 Los Angeles, CA 90025

TELEPHONE NO.: (310) 586-2401 FAX NO. (Optional): (310) 586-2444
 E-MAIL ADDRESS (Optional): spolin@sposilco.com
 ATTORNEY FOR (Name): Plaintiff ECHO TRAIL HOLDINGS, LLC

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF RIVERSIDE

FEB 11 2013
 J. BRANNON

[Signature]

ORIGINAL

MC
 FEB 11 2013
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
 STREET ADDRESS: 4050 Main Street
 MAILING ADDRESS:
 CITY AND ZIP CODE: Riverside, CA 92501
 BRANCH NAME:

PLAINTIFF/PETITIONER: ECHO TRAIL HOLDINGS, LLC
DEFENDANT/RESPONDENT: BENNION & DEVILLE FINE HOMES, INC.
 dba WINDERMERE REAL ESTATE CO

REQUEST FOR DISMISSAL

Personal Injury, Property Damage, or Wrongful Death
 Motor Vehicle Other

Family Law Eminent Domain
 Other (specify): Breach of Contract

CASE NUMBER:
 RIC 10019843 *cont*
with RIC 10006101 MF

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

1. TO THE CLERK: Please dismiss this action as follows:
 a. (1) With prejudice (2) Without prejudice
 b. (1) Complaint (2) Petition
 (3) Cross-complaint filed by (name): on (date):
 (4) Cross-complaint filed by (name): on (date):
 (5) Entire action of all parties and all causes of action
 (6) Other (specify):* As to Bennion & Deville Fine Homes, Inc., dba Windermere Real Estate Coachella Valley only

2. (Complete in all cases except family law cases.)
 Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: February 7, 2013

SCOTT J. SPOLIN, SBN 48724
 (TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]
 (SIGNATURE)
 Attorney or party without attorney for: Echo Trail Holdings LLC
 Plaintiff/Petitioner Defendant/Respondent
 Cross-complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**
 Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

[Signature]
 (SIGNATURE)
 Attorney or party without attorney for:

Plaintiff/Petitioner Defendant/Respondent
 Cross-Complainant

(To be completed by clerk)

4. Dismissal entered as requested on (date): **FEB 11 2013**
 5. Dismissal entered on (date): as to only (name):
 6. Dismissal not entered as requested for the following reasons (specify):

7. a. Attorney or party without attorney notified on (date):
 b. Attorney or party without attorney not notified. Filing party failed to provide
 a copy to be conformed means to return conformed copy

Date: **FEB 11 2013** Clerk, by *[Signature]*, Deputy

PLAINTIFF/PETITIONER: ECHO TRAIL HOLDINGS, LLC	CASE NUMBER: RIC 10019843
DEFENDANT/RESPONDENT: BENNION & DEVILLE FINE HOMES, INC. dba WINDERMERE REAL ESTATE CO	

Declaration Concerning Waived Court Fees

The court has a statutory lien for waived fees and costs on any recovery of \$10,000 or more in value by settlement, compromise, arbitration award, mediation settlement, or other recovery. The court's lien must be paid before the court will dismiss the case.

1. The court waived fees and costs in this action for *(name)*:
2. The person in item 1 *(check one)*:
 - a. is not recovering anything of value by this action.
 - b. is recovering less than \$10,000 in value by this action.
 - c. is recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3. All court fees and costs that were waived in this action have been paid to the court *(check one)*: Yes No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

(SIGNATURE)

SPOLIN SILVERMAN COHEN & BOSSERMAN LLP
11601 Wilshire Boulevard, Suite 2410
Los Angeles, California 90025
T: (310) 586-2426

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PROOF OF SERVICE BY US MAIL

ECHO TRAIL HOLDINGS, LLC v. BENNION & DEVILLE ETC. ET AL.
CASE NO. RIC 10019843

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11601 Wilshire Boulevard, Suite 2410, Santa Monica, CA 90025.

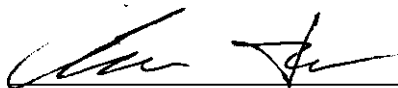
On **February 7, 2013**, I served the foregoing document described as **REQUEST FOR DISMISSAL OF FIFTH CAUSE OF ACTION FOR UNFAIR TRADE PRACTICES** on the interested parties in this action as stated below.

Cheryl Davidson, Esq.
Sunderland McCutchan LLP
11770 Bernardo Plaza Ct., Ste. 250
San Diego, CA 92128
Attorney for Defendants Shambaugh and Windermere

Said service was made by placing true copies thereof enclosed in a sealed envelope(s) addressed as stated above and placing the envelope for collection and mailing on the date and at our business address following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Executed on **February 7, 2013**, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Charlotte Hoover