

VERSUS
JACK KUNSTER
CONSOILDATED WITH
THEODORE CARBONE
VERSUS
DONALD HEMPHILL

CITY COURT OF BATON ROUGE
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
NUMBER 8619-9284
CITY OF BATON ROUGE
PARISH OF BATON ROUGE
STATE OF LOUISIANA

MOTION TO DISMISS

NOW BEFORE THE COURT, comes Jack Kunster and Donald Hemphill defendants herein and on suggesting to the court that:

1.

The above consoildated cases were last set for trial on March 16, 1987.

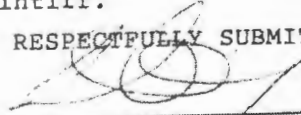
2.

On March 2, 1987, plaintiff's filed the attached Motion to Dismiss however, the suits have not been dismissed.

3.

Defendant's are entitled to a judgment of dismissal based upon the Motion of the plaintiff.

RESPECTFULLY SUBMITTED:


STEPHEN M. IRVING
355 Napoleon Drive
Baton Rouge, La. 70802
504/3448774

JUDGMENT

CONSIDERING THE MOTION OF Theodore Carbone, Plaintiff
in these consoldated proceeds .

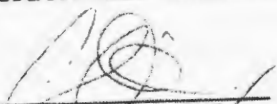
IT IS ORDERED that both proceedings be dismissed
at Plaintiff's cost without prejudice.

Baton Rouge, Louisiana, this 24 day of March, 1988.

S/DARRELL D. WHITE

JUDGE

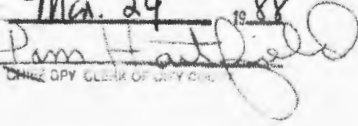
RESPECTFULLY SUBMITTED:


STEPHEN M. IRVING
355 Napoleon Drive
Baton Rouge, La. 70802
504/3468774

FILED Mar. 16 19 88

(SIGNED) S/WANDA C. SALVATO
CHIEF DEPT. CLERK OF CITY COURT

A TRUE COPY Mar. 24 19 88

(SIGNED) 
CHIEF DEPT. CLERK OF CITY COURT

Stephen M. Irving

ATTORNEY AT LAW
355 NAPOLEON STREET
BATON ROUGE, LOUISIANA 70802
(504) 346-8774

April 4, 1988

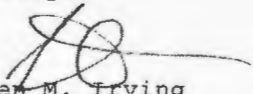
Ms. Anna Dow, Esq.
Counsel to the Board
P. O. Box 94185
Baton Rouge, La. 70804-9185

RE: JOSEPH KUNSTLER

Dear Ms. Dow:

Please find enclosed the judgment of dismissal and affidavit requested in your letter of February 7, 1988, I think you will find things in order to authorize release of the escrow funds I am holding. Upon confirmation of this I will release the funds.

Sincerely,


Stephen M. Irving
SMI/nsw
Encl.

RECEIVED APR 08 1988



LOUISIANA AUCTIONEERS LICENSING BOARD

BOARD MEMBERS

MR. KEITH W. BABB
318/343-6211
MR. JOHN H. HENSON
504/738-0408
MR. LARRY NOBLES
504/292-0576
MR. TERRY REEVES
318/528-4454
MR. CHARLES ROSATO
504/486-3248
MR. RAYBURN SMITH
318/357-1757
MR. JOHN GUINN
318/824-0851

May 2, 1988

Stephen M. Irving
Attorney at Law
355 Napoleon Drive
Baton Rouge, Louisiana 70802

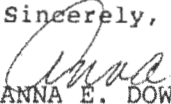
Re Louisiana Auctioneers Licensing Board vs.
Jack Kuntsler

Dear Steve:

The Board reviewed the documents submitted on behalf of Mr. Kuntsler at its meeting on April 28. After considering the situation, the Board determined that the funds held in escrow should be released to Mr. Kuntsler.

Should Mr. Carbone choose to file further proceedings with this Board, you will be notified. A formal resolution to this effect will be sent to you once it is prepared.

Sincerely,


ANNA E. DOW
Counsel to the Board

8017 JEFFERSON HIGHWAY, SUITE B-3/BATON ROUGE, LA 70809
POST OFFICE BOX 94185/BATON ROUGE, LA 70804-9185/(504) 925-3921

AFFIDAVIT

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared:

JOSEPH KUNSTLER

who, after being duly sworn, by me, did depose and state that: He is a partner and owner of Hemphill, Kunstler Auctioneers and Appraisers and is also a licensed auctioneer in the State of Louisiana.

Affiant, further states Theodore Carbone has commenced litigation on October 31, 1986, against affiant and also on November 19, 1986, commenced litigation against affiant's partner Donald Hemphill before the City Court, City of Baton Rouge.

Affiant, further states that both matters were set for trial on March 16, 1987, however Theodore Carbone moved to dismiss both suits by letter dated March 2, 1987.

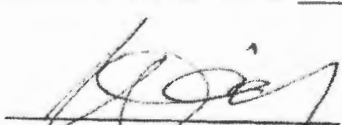
Affiant, further states that Theodore Carbone has not since that time commence further litigation against Hemphill, Kunstler Auctioneers and Appraisers, affiant Joseph Kunstler or his partner Donald Hemphill.

Affiant, further states that he desires that the funds be held in escrow by the pursuant to an order of the Louisiana Auctioneer License Board dated September 12, 1986, released.



Joseph A. Kunstler

Sworn to and subscribed before me on this 25th day of February, 1988.



Notary Public

Stephen M. Irvine