

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

[plaintiff]JOHNSON, VEGA, RODRIGUEZ, NORRELL, NORRELL, DURAN,
and SEILER, individually and on behalf of all other persons
similarly situated,

Plaintiffs,

[vs.]

[defendant]FIRST NATIONAL BANK IN ALAMOGORDO, THE CAR LOT, INC.,
a New Mexico Corporation, DOUGLAS RAY BURNS, Sr., DOUGLAS RAY
BURNS, Jr., and SALLY BURNS,

Defendants.

[action]No. CIV 89-1137 HB

FINAL ORDER APPROVING SETTLEMENT OF CLASS ACTION

THIS MATTER having come to be considered in accordance with
the *Order Preliminarily Approving Settlement of Class Action*
filed herein on August 27, 1991 (hereinafter "the Order"), a
public hearing having been held before the Court on November 8,
1991, the Court being fully advised in the premises, and
otherwise for good cause shown, FINDS:

1. As demonstrated by the Affidavit dated March 30, 1994,
executed by Ms. Patricia Denney, a loan officer for the
Defendant Bank, the Defendant Bank has performed each of the
tasks required of it by the Order to identify class members and
calculate the damages owing to them and has properly paid to
each of the 77 individuals who comprise the members of the class
a total of \$306,260.63 in accordance with the formula contained
in the Order and with the stipulations contained in paragraph 9
of the Order and the stipulations entered in open Court at the
hearing held on November 8, 1991.

2. Each class member has in addition received personal
notice of the pendency of this action together with the
additional information required by the Order, and none has
expressed objection or dissent hereto, with the sole exception
being class member David McLaughlin, who advised both the
Defendant Bank and counsel for Plaintiffs of his decision to opt

out of the class and to refuse payment otherwise owing to him, which decision is hereby accepted by the Court.

3. Each person who otherwise meets the definition of the class except for the fact that the available odometer documentation reviewed by the Defendant Bank reveals no apparent odometer discrepancy or rollback from his/her purchase of a used vehicle from the Defendant The Car Lot, Inc., and therefore has received no recovery, has received personal notice of the pendency of this action and of the state of such documentation together with the additional information required by the Order.

4. Notice consistent with due process and the requirements of Rule 23 (e), Federal Rules of Civil Procedure, has been provided to each affected individual, both members and nonmembers of the class.

5. The settlement preliminarily approved by the Order is a fair, reasonable, and equitable resolution of this litigation.

WHEREFORE, IT IS HEREBY ORDERED that the settlement of this action as preliminarily approved in the Order be and hereby is given final approval.

IT IS FURTHER ORDERED that all terms of the Order be and hereby are incorporated herein, with the exception that paragraphs 15, 16, and 17 thereof be and hereby are suspended in view of the fact that all class members have now received the recoveries owing to them and both the Defendant Bank and counsel for the Plaintiffs have submitted to and filed with the Court their final reports.

IT IS FURTHER ORDERED that the Defendant Bank has fully met its obligations in accordance herewith and that Judgment shall be entered declaring the claims of the individual Plaintiffs and the Plaintiff class against it fully satisfied and dismissing the claims against the remaining Defendants without prejudice.

IT IS FURTHER ORDERED that the Defendant Bank shall pay to counsel for the Plaintiffs reasonable attorney fees, costs, and expenses in accordance with paragraph 20 of the Order.

United States District Judge

Approved and submitted by:

Attorney for Plaintiffs

Attorneys for Defendant First National Bank in Alamogordo