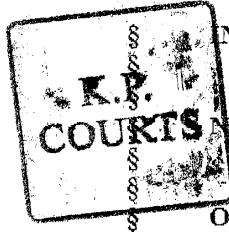


TEXTON, INC.
Plaintiff,

V.

PREFERRED CAPITAL, INC.
Defendant.



IN THE COUNTY COURT AT LAW

NUMBER 2

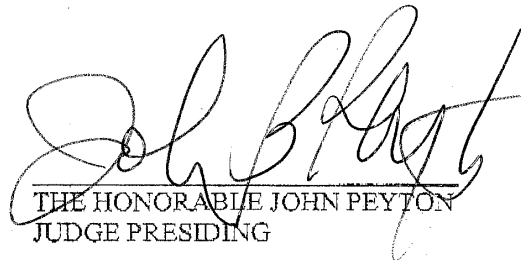
OF DALLAS COUNTY, TEXAS

ORDER DENYING DEFENDANT'S MOTION TO DISMISS OR ABATE

On January 13, 2006, the Court heard Defendant's Motion to Dismiss or Abate. The plaintiff and the defendant each appeared through their respective counsel and presented argument. The Court is of the opinion that such motion and the relief thereby requested should be denied in all respects. Accordingly,

IT IS, THEREFORE, ORDERED that Defendant's Motion to Dismiss or Abate is overruled and denied in all respects.

SIGNED on January 27, 2006.

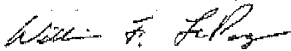

THE HONORABLE JOHN PEYTON
JUDGE PRESIDING

APPROVED AS TO FORM:

Donald Scott Mackenzie

COUNSEL FOR PLAINTIFF

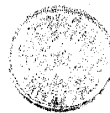
APPROVED AS TO FORM ONLY:


William LePage

COUNSEL FOR DEFENDANT

ORDER DENYING DEFENDANT'S MOTION TO DISMISS OR ABATE

990 0065



TRUE AND CORRECT
STATE OF TEXAS
COUNTY CLERK'S OFFICE