

Filed in The District Court
of Travis County, Texas

NOTICE MAILED

DEC 09 2008

AB

CAUSE NO. D-1-GN-08-002038

at 9:57 AM.
Amalia Rodriguez-Mendoza, Clerk

| | | |
|---------------------------------|---|------------------------------------|
| EUGENE G. AND CHERYL F. PRESTON | § | IN THE DISTRICT COURT |
| Plaintiffs, | § | |
| | § | |
| VS. | § | 98 th JUDICIAL DISTRICT |
| | § | |
| | § | |
| CREATIVE CUSTOM POOLS | § | |
| By BOOMER, LLC | § | |
| and SHANNON D. BLOCK, | § | |
| individually | § | |
| Defendants. | § | TRAVIS COUNTY, TEXAS |

ORDER ON FINAL SUMMARY JUDGMENT

On December 4, 2008, this matter was before the Court pursuant to Petitioner's Motion for Summary Judgment. Petitioner was represented by counsel, David A. Groom. The Court, having heard the Motion for Summary Judgment, reviewed the file and considered the arguments and authority offered by the parties and determined that there is no genuine issue of material fact and hereby enters the following Orders:

Plaintiff's Motion for Summary Judgment is hereby granted as follows:

1. The Court specifically finds that Defendants Shannon D. Block and Creative Custom Pools by Boomer, LLC are jointly and severally liable to Plaintiffs for Fraud, Breach of Contract, and violation of the Prompt Payment to Subcontractors statute.
2. The court orders that Plaintiffs, Eugene and Cheryl Preston, recover from Defendants Shannon D. Block and Creative Custom Pools by Boomer, LLC as follows:
 - a. Shannon D. Block and Creative Custom Pools by Boomer, LLC are required to pay Plaintiffs the sum of ~~\$254,589.17~~ **\$253,055.00** *ABG* representing actual damages in the



\$5,500.00 *MAJ*

amount of \$242,555.00 and attorney's fees in the amount of ~~\$7,034.17~~ under
CPRC §38.002, and additional attorney's fees for the cost of collecting the
judgment in the amount of \$5,000.00.

3. The Court orders that Defendants shall pay post-judgment interest at the annual
rate of ~~8.25%~~ ^{5.09%} *MAJ* pursuant to section §304.005 of the Finance Code on the
respective sum owed by the respective defendant.

\$253,055.00 *MAJ*

4. Pursuant to the foregoing, Plaintiff is awarded a total judgment of ~~\$254,589.17~~
for fraud.

5. This judgment is final and disposes of all claims and all parties;

6. The court orders execution to issue for this judgment;

7. All requests for relief not specifically addressed herein are denied.

Executed this 8th day of December, 2008.

BY THE COURT


PRESIDING JUDGE

Approved as to Form


David A. Groom, Attorney for Plaintiff
STATE OF MARYLAND COURT OF APPEALS