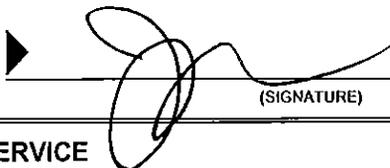


ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): T. MARK SMITH, ESQ. (SBN 162370) JOSEPH A. WERNER, ESQ. (SBN 278459) CLIFFORD & BROWN 1430 TRUXTUN AVENUE, SUITE 900 BAKERSFIELD, CA 93301 TELEPHONE NO.: 661-322-6023 FAX NO.: 661-322-3508 E-MAIL ADDRESS: ATTORNEY FOR (Name): Plaintiff, TRC Operating Company, Inc	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET ADDRESS: 1415 TRUXTUN AVENUE MAILING ADDRESS: CITY AND ZIP CODE: BAKERSFIELD, CA 93301 BRANCH NAME: METROPOLITAN DIVISION	
PLAINTIFF/PETITIONER: TRC OPERATING COMPANY, INC. DEFENDANT/RESPONDENT: UNITED SECURITY BANK, et al.	
NOTICE OF ENTRY OF DISMISSAL AND PROOF OF SERVICE <input checked="" type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Breach of Fiduciary Duty & Fraud	CASE NUMBER: S-1500-CV-276652-LHB

TO ATTORNEYS AND PARTIES WITHOUT ATTORNEYS: A dismissal was entered in this action by the clerk as shown on the Request for Dismissal. (Attach a copy completed by the clerk.)

Date: JUNE 3, 2014

T. MARK SMITH, ESQ.  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)



(SIGNATURE)

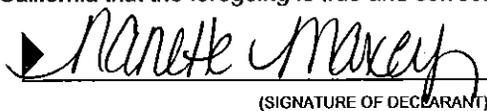
**PROOF OF SERVICE**

- I am over the age of 18 and not a party to this cause. My residence or business address is: Clifford & Brown, Bank of America Building, 1430 Truxtun Avenue, Suite 900, Bakersfield, CA 93301
- I am a resident of or employed in the county where the mailing occurred. I served a copy of the *Notice of Entry of Dismissal and Request for Dismissal* by mailing them, in a sealed envelope with postage fully prepaid, as follows:
  - I deposited the envelope with the United States Postal Service.
  - I placed the envelope for collection and processing for mailing following this business's ordinary practice with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
  - Date of deposit: June 3, 2014
  - Place of deposit (city and state): Bakersfield, CA
  - Addressed as follows (name and address): Please see attached Mailing List.
- I served a copy of the *Notice of Entry of Dismissal and Request for Dismissal* by personally delivering copies as shown below:
  - Name of person served:
  - Address at which person served:
  - On (date):
  - At (time):
- I served a copy of the *Notice of Entry of Dismissal and Request for Dismissal* by electronically serving copies as shown below (complete if electronic service is used based on a court order or agreement of the parties):
  - Name of person served:
  - Electronic service address of person served:
  - On (date):
  - At (time):
  - Electronic service address from which I served the documents:
  - Proof of electronic service is attached.
- Proof of service on additional parties is attached.

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

Date: June 3, 2014

NANETTE MAXEY  
 (TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

# **EXHIBIT “A”**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
 T. MARK SMITH, ESQ. (SBN 162370)  
 JOSEPH A. WERNER, ESQ. (SBN 278459)  
 Clifford & Brown  
 1430 Truxtun Avenue, Suite 900  
 Bakersfield, CA 93301  
 TELEPHONE NO.: 661-322-6023 FAX NO. (Optional): 661-322-3508  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name): Plaintiff, TRC Operating Company, Inc.

FOR COURT USE ONLY

**ENDORSED FILED**  
 SUPERIOR COURT, METROPOLITAN DIVISION  
 COUNTY OF KERN

MAY 21 2014

TERRY McNALLY, CLERK  
 BY \_\_\_\_\_ DEPUTY

CASE NUMBER:  
 S-1500-CV-276652 LHB

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN  
 STREET ADDRESS: 1415 Truxtun Avenue  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: Bakersfield, CA 93301  
 BRANCH NAME: Metropolitan Division

PLAINTIFF/PETITIONER: TRC OPERATING COMPANY, INC.  
 DEFENDANT/RESPONDENT: UNITED SECURITY BANK, et al.

REQUEST FOR DISMISSAL

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.  
 This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

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):
  - (4)  Cross-complaint filed by (name):
  - (5)  Entire action of all parties and all causes of action
  - (6)  Other (specify):\*

on (date):  
 on (date):

2. (Complete in all cases except family law cases.)  
 The court  did  did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).  
 CLIFFORD & BROWN

Date: MAY 21, 2014  
 JOSEPH A. WERNER, ESQ.  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

  
 (SIGNATURE)  
 Attorney or party without attorney for: TRC OPERATING COMPANY, INC.  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

\*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*  
 Date:  
 (TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

  
 (SIGNATURE)  
 Attorney or party without attorney for:  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

\*\* If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (f) or (j).

- (To be completed by clerk)
- 4.  Dismissal entered as requested on (date): MAY 21 2014
  - 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

R. MCDONALD  
 Clerk, by \_\_\_\_\_, Deputy

Date: JUN - 2 2014 TERRY McNALLY

PLAINTIFF/PETITIONER: TRC OPERATING COMPANY, INC. DEFENDANT/RESPONDENT: UNITED SECURITY BANK, et al.	CASE NUMBER: S-1500-CV-276652 LHB
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**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
  - a.  not recovering anything of value by this action.
  - b.  recovering less than \$10,000 in value by this action.
  - c.  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 court 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)

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**PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**

*TRC Operating Company, Inc. v. United Security Bank, et al.*  
Kern County Superior Court Case No.: S-1500-CV-276652-LHB

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On May 21, 2014, I served the foregoing document(s) entitled:

**REQUEST FOR DISMISSAL**

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

— by placing \_ the original, \_ a true copy thereof, enclosed in a sealed enveloped addressed as follows:

Kim O. Dincel, Esq., SBN 131563  
Julie Bonnel-Rogers, Esq., SBN 176200  
DINCEL LAW GROUP  
25 Metro Drive, Suite 600  
San Jose, CA 95110  
Tel: 408-573-5700  
Fax: 408-573-5701

Timothy Jones, Esq., SBN 119841  
Troy T. Ewell, Esq., SBN 210338  
WANGER JONES HELSLEY PC  
265 E. River Park Circle, Suite 310  
P.O. Box 28340  
Fresno, CA 93720-1553  
Tel: 559-233-4800  
Fax: 559-233-9330

— **BY ELECTRONIC MAIL**  
Where notice may be served by electronic service and any accompanying documents may be authorized when a party has agreed to accept service electronically in that action. Electronic service is complete at the time of transmission.

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X

**BY MAIL**

—

I deposited such envelope in the mail at Bakersfield, California, with postage thereon fully prepaid.

X

I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California in the ordinary course of business. The above sealed envelopes were placed for collection and mailing on the above date following ordinary business practice.

—

**BY EXPRESS MAIL**

I deposited such envelopes in a facility regularly maintained by the U.S. Postal Service for receipt of Express Mail, as specified in C.C.P. §1013(c), with Express Mail postage prepaid.

—

**BY OVERNIGHT DELIVERY (other than Express Mail)**

I deposited such envelopes in an envelope or package designated by the express service carrier with delivery fees paid or provided;

—

and deposited such envelope or package in a facility regularly maintained by the express service carrier.

—

delivered such envelope or package to an authorized courier or driver authorized by the express service carrier to receive documents.

—

**BY PERSONAL SERVICE**

I caused such envelope to be hand delivered to the offices of the addressee(s).

—

**BY FACSIMILE**

I transmitted the above-referenced documents by facsimile to the interested parties as listed below.

Executed on May 21, 2014, at Bakersfield, California.

X

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

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(Federal)

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

  
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**MAILING LIST**

*TRC Operating Company, Inc. v. United Security Bank, et al.*  
Kern County Superior Court Case No.: S-1500-CV-276652-LHB

Kim O. Dincel, Esq., SBN 131563  
Julie Bonnel-Rogers, Esq., SBN 176200  
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25 Metro Drive, Suite 600  
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Tel: 559-233-4800  
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