

NO. D-880162C

IDA MARIE STARK, INDIVIDUALLY
AND AS INDEPENDENT EXECUTRIX
OF THE ESTATE OF
W. H. STARK, II, DECEASED, ET AL

Plaintiffs

v.

NELDA CHILDERS STARK, ET AL,

Defendants.

IN THE DISTRICT COURT OF

1512

ORANGE COUNTY, T E X A S

260TH JUDICIAL DISTRICT

FULL, FINAL, AND COMPLETE RELEASE

This document is a Full, Final, and Complete Release as more particularly described herein.

1. **PARTIES RELEASED**

The parties being released from all causes of action as set forth in Paragraph 4 are the following: Nelda Childers Stark, individually; Nelda Childers Stark as alleged Independent Executrix of the Estate of H. J. Lutcher Stark, Deceased; to the extent it exists, if at all, the Estate of H. J. Lutcher Stark, Deceased; the Nelda C. and H. J. Lutcher Stark Foundation; all officers, directors, attorneys, and employees of either the Nelda C. and H. J. Lutcher Stark Foundation or Nelda Childers Stark; any individual, corporation, organization, foundation, or other entity alleged now or in the past or in the future to be owners or possessors of or participants in any transactions involving any property alleged to have properly belonged to but withheld from or misappropriated in the Estate of Nita Hill Stark, Deceased. All these parties will be referred to hereinafter as the "Released Parties."

L0271/0064/02JN01

89 2247

2. PARTIES RELEASING

The parties who are releasing all of the claims as set forth in Paragraph 4 against the Released Parties are as follow: Homer B. H. Stark, individually; Homer B. H. Stark as beneficiary of the Homer B. H. Stark 1989 Trust; Rebecca Celia Tweet Havens Stark; Rebecca Nita Stark Nugent, individually; Rebecca Nita Stark Nugent, trustee of the Homer B. H. Stark 1989 Trust; Henry Jacob Lutchter Stark, II, individually; Henry Jacob Lutchter Stark, II, trustee of the Homer B. H. Stark 1989 Trust; Rebel Dale Stark Falcone, individually; and Rebel Dale Stark Falcone, trustee of the Homer B. H. Stark 1989 Trust; each also acting for and on behalf of and intending to bind his or her heirs, beneficiaries, or assigns. All of these parties are hereinafter referred to as "Releasing Parties."

3. CONSIDERATION

Releasing Parties acknowledge the receipt of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) from Released Parties as full, final and complete consideration for the release of all claims set forth in Paragraph 4. Each Releasing Party acknowledges that he or she has received from or will receive from or has such an interest or expectancy in the Two Million Five Hundred Thousand Dollar (\$2,500,000.00) payment as to represent valid consideration for the release granted herein.

4. CLAIMS RELEASED

For and in consideration of the payment of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00), Releasing Parties do hereby release, acquit, and forever discharge Released Parties of the following:

All claims, demands, and causes of action alleged in Plaintiffs' Original Petition, as amended from time to time, in the above-entitled and numbered action (the "Litigation"); all claims, demands, and causes of action, known or unknown, which could have been alleged in the Litigation; all claims, demands, and causes of action, known or unknown, arising out of or connected with any actions or omissions by H. J. Lucher Stark either as an individual or as executor of the Estate of Nita Hill Stark, Deceased, or as tutor or guardian of W. H. Stark, II and/or Homer B. H. Stark, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during his lifetime; all claims, demands, and causes of action, known or unknown, arising out of or connected with any actions or omissions by Nelda Childers Stark either as an individual or as executrix of the Estate of H. J. Lucher Stark, Deceased, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during her lifetime until the date of the execution of this release; any claims, demands, or causes of action, known or unknown, arising out of or in any way connected with the Estate of Nita Hill Stark, Deceased; any claims, demands, or causes of action, known or unknown, arising out of or connected with the Estate of H. J. Lucher Stark, Deceased; any claims, demands, or causes of action, known or unknown, arising out of heirship, forced heirship, or other inheritance relationships of Homer B. H. Stark and W. H. Stark, II, to Nita Hill Stark, H. J. Lucher Stark, or Nelda Childers Stark; any claims, demands, or causes of action, known or unknown, arising out of or connected with the operation or activities of the Nelda C. and H. J. Lucher Stark Foundation or any other foundation or charity principally supported by Nelda C. Stark; and any claims, demands, or causes of action, known or unknown, arising out of or in connection with the operation or activities of

any corporation or partnership or business entity in which H. J. Lucher Stark or Nelda Childers Stark has or had a controlling interest.

5. **NO OTHER PROMISES**

Each Releasing Party states that he or she is entering into and executing this Full, Final, and Complete Release based upon his or her own free evaluation of the facts and circumstances surrounding his or her claims, demands, and causes of action and in reliance upon the advice of his or her own attorneys. Each Releasing Party expressly states that no representations, promises, or agreement other than the payment of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) has been made by any Released Party and each Releasing Party expressly states that the entering into and execution of this Full, Final, and Complete Release is in no way conditioned upon or in reliance upon any representations, promises, or other agreements made by any of the Released Parties.

6. **CASE DISMISSED WITH PREJUDICE**

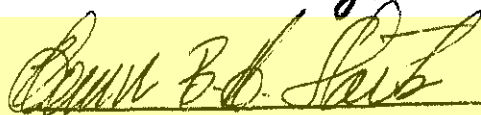
With the payment of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and the execution of this Full, Final, and Complete Release, a motion and order for the dismissal with prejudice of this above-entitled and numbered action will be entered with the 260th Judicial District Court of Orange County, Texas.

7. **ONE ORIGINAL**

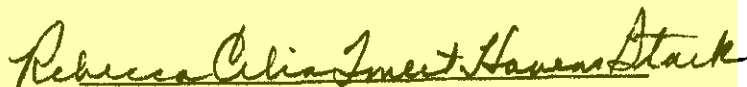
Because of the number of parties executing this release there will be one original executed copy of the Full, Final, and Complete Release which will be delivered to attorneys for Released Parties with copies made for all Released Parties and all Releasing Parties.

1516

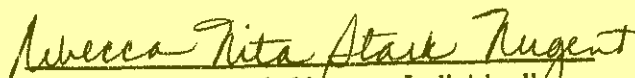
EXECUTED this 25 day of February, 1991.



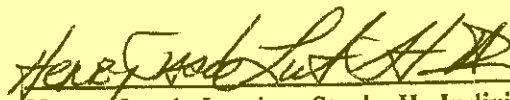
Homer B. H. Stark, Individually and as
Beneficiary of the Homer B. H. Stark
1989 Trust



Rebecca Celia Tweet Havens Stark



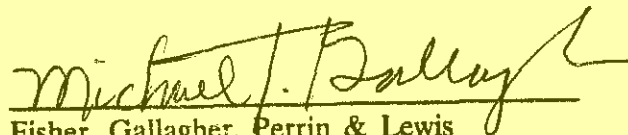
Rebecca Nita Stark Nugent, Individually
and as Trustee of the Homer B. H. Stark
1989 Trust



Henry Jacob Lutch Stark, II, Individually
and as Trustee of the Homer B. H. Stark
1989 Trust



Rebel Dale Stark Falcone, Individually
and as Trustee of the Homer B. H. Stark
1989 Trust



Fisher, Gallagher, Perrin & Lewis

STATE OF TEXAS §

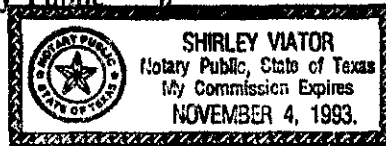
COUNTY OF Orange §

1517

Before me, the undersigned authority, on this day personally appeared Homer B. H. Stark, Individually and as Beneficiary of the Homer B. H. Stark 1989 Trust, who being by me duly sworn, stated that he has read and understands this Release, and that he has executed the Release for the consideration stated therein.

SUBSCRIBED AND SWORN to before me on this 25 day of February, 1991.

Shirley Viator
Notary Public



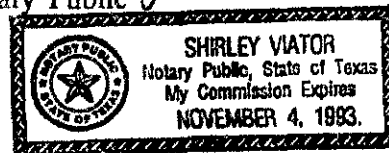
STATE OF TEXAS §

COUNTY OF Orange §

Before me, the undersigned authority, on this day personally appeared Rebecca Celia Tweet Havens Stark, who being by me duly sworn, stated that she has read and understands this Release, and that she has executed the Release for the consideration stated therein.

SUBSCRIBED AND SWORN to before me on this 25 day of February, 1991.

Shirley Viator
Notary Public



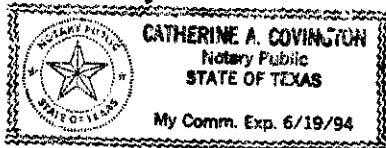
STATE OF TEXAS §

COUNTY OF Harris §

1518

Before me, the undersigned authority, on this day personally appeared Rebecca Nita Stark Nugent, Individually and as Trustee of the Homer B. H. Stark 1989 Trust, who being by me duly sworn, stated that she has read and understands this Release, and that she has executed the Release for the consideration stated therein.

SUBSCRIBED AND SWORN to before me on this 27th day of February, 1991.



Catherine A. Covington
Notary Public

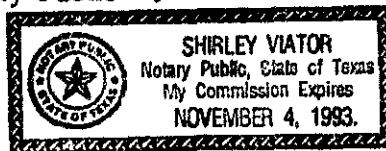
STATE OF Texas §

COUNTY OF Orange §

Before me, the undersigned authority, on this day personally appeared Henry Jacob Lucher Stark, II, Individually and as Trustee of the Homer B. H. Stark 1989 Trust, who being by me duly sworn, stated that he has read and understands this Release, and that he has executed the Release for the consideration stated therein.

SUBSCRIBED AND SWORN to before me on this 25 day of February, 1991.

Shirley Viator
Notary Public



STATE OF Ohio §

1510

COUNTY OF Lucas §

Before me, the undersigned authority, on this day personally appeared Rebel Dale Stark Falcone, Individually and as Trustee of the Homer B. H. Stark 1989 Trust, who being by me duly sworn, stated that he has read and understands this Release, and that he has executed the Release for the consideration stated therein.

SUBSCRIBED AND SWORN to before me on this 26 day of Feb., 1991.

Kimberlee R. Larberg
Notary Public
KIMBERLEE R. LARBERG
Notary Public, Lucas County, State of Ohio
My Commission Expires April 13, 1991