

SEP 08 1999

GEORGE D. PRENTICE, II, CLERK

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

In re:

Case No.: 90-4223-BKC-3P7

OLYMPIA HOLDING CORPORATION
a/k/a P.I.E. NATIONWIDE, INC.,

Chapter 7

Debtors,

LLOYD T. WHITAKER, as Chapter 7
Bankruptcy Trustee for Olympia Holding
Corporation, a/k/a P.I.E. Nationwide, Inc.,

Plaintiff,

v.

Adv. Pr. No.: 92-24423

CONTEMPO FUTONS, INC.,

Defendant(s).

PLAINTIFF'S ACKNOWLEDGEMENT AND RELEASE OF JUDGMENT

Plaintiff, Lloyd T. Whitaker, Trustee of the Estate of Olympia Holding Corp. a/k/a P*I*E Nationwide, Inc., hereby acknowledges that the judgment entered in this action in his favor is void and releases any rights he may have in such judgment and states:

1. Plaintiff obtained a judgment in the above-captioned adversary proceeding on 06/16/93 in the amount of \$4,470.98.
2. On December 16, 1998, the United States Court of Appeals for the Eleventh Circuit held, in an appeal from a separate adversary proceeding brought by

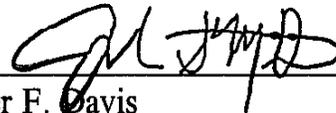
Plaintiff, that Plaintiff lacked standing to bring the same kind of claim as the one involved in the above-captioned proceeding and that the default judgment entered in that case was therefore void. See Whitaker v. Columns, Inc. (In re Olympia Holding Corp.), No. 98-2702 (11th Cir. 1998) (unpublished opinion) (hereinafter, Columns).

3. Plaintiff acknowledges that the default judgment obtained in the above-captioned adversary proceeding is void in light of Columns.

4. Plaintiff further releases any rights he might have against Defendant(s) pursuant to the default judgment entered in the above-captioned adversary proceeding.

5. Should Defendant(s) at any time file a motion in the above-captioned adversary proceeding to set aside the judgment and to dismiss the proceeding with prejudice, with each side to bear its own costs, or if Defendant has already filed such motion(s), Defendant(s) is (are) hereby authorized to submit this Acknowledgement and Release to demonstrate Plaintiff's consent and stipulation to such motion(s), and Plaintiff hereby waives his right to appear or object to such motion(s).

FOLEY & LARDNER



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FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP 08 1999

GEORGE D. PRENTICE, II, CLERK

EMAIL ADDRESS
jsmills@foleylaw.com

CLIENT/MATTER NUMBER
065582-0102

September 1, 1999

Northern District of Iowa
U.S. Courthouse
101 First St., S.E.
Cedar Rapids, IA 52401

Re: Judgment Registered in Your Court
In re: Olympia Holding Corp. a/k/a P*I*E Nationwide Inc., No. 90-4223-BKC-3P7
(Bankr. M.D. Fla.)
Whitaker v. Contempo Futons, Inc., Adversary Proceeding No. 92-24423

Dear Mister/Madame Clerk:

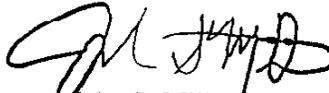
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Predecessor counsel for Lloyd T. Whitaker, Trustee of the Estate of Olympia Holding Corp. a/k/a P*I*E Nationwide, Inc., previously mailed a certified copy of the judgment entered in the above captioned adversary proceeding to be registered in your court.

As explained in the enclosed Acknowledgement and Release, the Trustee acknowledges that this judgment has been rendered void by a subsequent decision of the United States Court of Appeals for the Eleventh Circuit and wishes to ensure that the judgment has no adverse impact on the defendant.

Accordingly, please cancel the judgment, file/record the enclosed Acknowledgement and Release, or take whatever other steps are appropriate in your jurisdiction to ensure that the judgment is not shown in the court's records as a valid judgment.

Very truly yours,


John S. Mills

JSM/tld
Enclosure(s)
cc:
Contempo Futons, Inc.
Attn: Eric Shaw
529 S. Gilbert
Iowa City, IA 52240
(last known address)

ESTABLISHED 1842

A MEMBER OF GLOBALEX WITH MEMBER OFFICES IN BERLIN, BRUSSELS, DRESDEN, FRANKFURT, LONDON, SINGAPORE, STOCKHOLM AND STUTTGART