FILED
FT. SMITH DIST.
2021 MAR -5 A 10:05

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS

FORWARD FINANCING, LLC

Plaintiff

vs.

Case No: CV-2021-164

Division No. VI

BOLDING CONSTRUCTION COMPANY, INC. D/B/A BOLDING CONSTRUCTION COMPANY
and
MAXIMUS TYRANNUS AVERY A/K/A MAX RODRIGUEZ

Defendants

MOTION TO CONFIRM ARBITRATION AWARD

COMES NOW Plaintiff by and through its attorneys and requests this Court to confirm an arbitration award in favor of Plaintiff and against Defendants. In support thereof, the Plaintiff states:

1. This application is filed pursuant to the Federal Arbitration Act, 9 USC Sec.9 and A.C.A. Section 16-108-201 et seq.

2. The parties had a valid written contract providing that this matter be resolved through binding arbitration.

3. This matter involved interstate commerce and the Federal Arbitration Act governed this arbitration. Attached hereto and marked as Exhibit 1 is a copy of the Arbitrator's Award entered by the American Arbitration Association on September 18, 2020 in the amount of $83,333.50.

4. The Arbitrator's Award is final, no application to vacate, modify or correct the award having been filed pursuant to 9 USC Sec. 10 or Sec. 11. or A.C.A. Section 16-108-201 et seq.

5. Allowing for all just claims and set-offs, the balance due on the award is $83,333.50.

WHEREFORE, the Plaintiff prays that this Court confirm the Arbitrator's Award in favor of the Plaintiff and against the Defendant in the amount of $83,333.50, plus costs of Court and for such other and further relief as the Court deems just and proper.

MILLER AND STEENO, P.C.

By _____

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Exhibit 1

AMERICAN ARBITRATION ASSOCIATION
Commercial Arbitration Tribunal

In the Matter of the Arbitration between

Case Number: 01-20-0000-5528

Forward Financing, LLC,

Claimant

-vs-

Bolding Construction Company Inc. d/b/a Bolding Construction Company and Maximus Tyrannus Avery a/k/a Max Rodriguez

Respondents.

AWARD OF ARBITRATOR

I, THE UNDERSIGNED ARBITRATOR, having been designated in accordance with the arbitration agreement entered into by the above-named parties and dated November 25, 2019, and having been duly sworn, and oral hearings having been waived in accordance with the parties' arbitration agreement, and having fully reviewed and considered the written documents submitted to me by Claimant, represented by Lauren Hatch, Esq., in-house counsel, and by Respondents, represented by Janice Pariseau, of Somerset Resolution Trust, do hereby AWARD as follows:

1. Respondents are jointly and severally liable for, and shall pay to Claimant, the sum of $80,488.50 in compensatory damages.

2. The administrative fees of the American Arbitration Association totaling $1,925.00 and the compensation of the arbitrator totaling $920.00, shall be borne by Respondents, jointly and severally. Therefore, Respondents are jointly and severally liable for, and shall pay to Claimant, the sum of $2,845.00, to reimburse Claimant for the administrative fees and arbitrator compensation previously paid by Claimant.

This Award is in full settlement of all claims submitted to this Arbitration. Any and all claims for relief not expressly addressed herein are denied.

Dana S. Gloor

September 18, 2020

Dana S. Gloor

I, Dana S. Gloor, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument, which is my Award.

Dana S. Gloor

September 18, 2020

Dana S. Gloor