

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

and

vs.

NO.

and

MOTION FOR PARTIAL SUMMARY JUDGMENT
AND NOTICE OF HEARING

The defendants, , and pursuant to respectfully submit this motion for Partial Summary Judgment as follows:

1. This motion is based on the attached exhibits, the brief submitted in support of this motion, and any affidavits that may be filed, together with all the pleadings and papers filed in this action, and on whatever argument and evidence may be presented at the hearing.

2. This motion is made on the basis that there is no genuine issue of material fact on two issues:

a. Whether the notes attached hereto as Exhibits "C" and "D" should be reformed in the manner alleged in defendants' counterclaim; and

b. Whether and are individually liable for the insurance proceeds in dispute.

3. The notes should be reformed because plaintiffs admit they should be reformed.

Since this matter is admitted, defendants are entitled to summary judgment on this issue.

4. and are not individually liable for the disputed insurance proceeds because, as a matter of law, individuals cannot be liable for corporate debts.

WHEREFORE, PREMISES CONSIDERED, defendants respectfully request that the notes attached hereto as Exhibits "C" and "D" be reformed in the manner alleged and admitted to in

defendants' counterclaim, and that the Court find, as a matter of law, that and are not individually liable for the disputed insurance proceeds.

Respectfully submitted,

Attorney for

Of counsel:

Telephone:
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Attorney for