

January 29, 2009 (Claim No. 163 on the claims register) is hereby withdrawn.

2. This Stipulation and Order is effective immediately upon approval by the Bankruptcy Court, and is not subject to the ten day stay provided for in Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

Detroy Fulmore II and Mary Davis,

By his counsel,

/s/ John M. McAuliffe*

John M. McAuliffe (BBO #555109)

McAuliffe & Associates, P.C.

430 Lexington Street

Newton, MA 02466

Tel: (617) 558-6889

Email: mcauliffeassociates@hotmail.com

Dated: August 4, 2009

[signatures cont'd on next page]

* Pursuant to ECF Rule 8(b)(2), I, Christian J. Urbano, represent that Attorney McAuliffe has authorized me to attach her electronic signature to this Stipulation.

**Modern Continental Construction Co., Inc.,
Debtor-in-Possession**

By its counsel,

/s/ Christian J. Urbano

Harold B. Murphy (BBO #326610)

D. Ethan Jeffery (BBO #631941)

Christian J. Urbano (BBO #644471)

HANIFY & KING, Professional Corporation

One Beacon Street, 21st Floor

Boston, MA 02108

Tel: (617) 423-0400

Fax: (617) 556-8985

Email: cju@hanify.com

Dated: August 4, 2009

IT IS SO ORDERED.

Signed in said District this ____ day of _____, 2009.

Honorable William C. Hillman
U.S. Bankruptcy Judge

::ODMA\PCDOCS\DOCS\535464\1