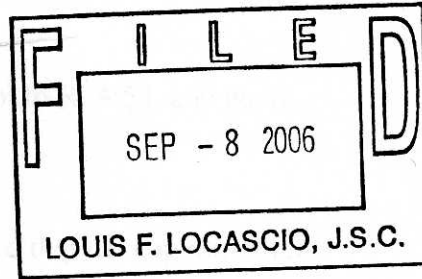


McCARTER & HIGGINS
48 Drs. James Parker Blvd.
Red Bank, New Jersey 07701
(732) 450-1090
Attorneys for Defendants

OCT 13 2006

RECORDED AS A LIEN



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MERRILL LYNCH PIERCE FENNER &
SMITH, INC.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MONMOUTH COUNTY
DOCKET NO. L-2530-03

Plaintiff,

Civil Action

v.

JOSEPH CONTE, PATRICIA ANN
CONTE, ANN MARIE CONTE, and
MONMOUTH CONSUMER
INDUSTRIES, INC.

**FINAL JUDGMENT ON
COUNTERCLAIM**

-----x
PATRICIA ANN CONTE,

Counterclaimant,



269041-06

v.

MERRILL LYNCH PIERCE FENNER &
SMITH, INC.

Counterclaim
Defendant.

-----x

The Counterclaim of Patricia Conte having been tried to verdict on August 2,
2006, Anthony J. Pasquariello, Esq. appearing for plaintiff Merrill Lynch Pierce Fenner &
Smith Inc. and Merrill Lynch Bank USA, and George W. C. McCarter having appeared
for defendants and counterclaimant, and the Court having received the verdict of the jury
finding counterclaim defendant Merrill Lynch Pierce Fenner & Smith liable for the tort of
conversion, and the Court also having considered the motion of counterclaimant Patricia

Conte directed to the caption and seeking counsel fees pursuant to R. 4:58, and good cause appearing,

IT IS this 8 day of September, 2006, ordered that the caption of this cause be amended as above to reflect that plaintiff Merrill Lynch Pierce Fenner & Smith Inc is the proper defendant on the counterclaim, and

FINAL JUDGMENT is hereby entered in favor of counterclaimant Patricia Conte and against plaintiff/counterclaim defendant Merrill Lynch Pierce Fenner & Smith, Inc. in the sum of \$75,158.07, plus interest since August 6, 2003 in the amount of \$4,055.18, ~~plus counsel fees pursuant to R. 4:58 in the amount of \$3,296.25.~~


LOUIS F. LOCASCIO, J.S.C.