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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 1 '0 1998

TIMOTHY R. WALBRIDGE, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

**POWERNET COMMUNICATIONS,
INC., an Oklahoma Corporation,**

Debtor.

**Case No. 97-00294-M
Chapter 7**

**SCOTT P. KIRTLEY, Trustee of the
Estate of POWERNET
COMMUNICATIONS, INC., an
Oklahoma Corporation,**

Plaintiff,

v.

**HOST COMMUNICATIONS, INC., a
California Corporation,**

Defendant.

Adv. Proc. No. 97-0263-M

JUDGMENT

THIS MATTER came on for trial on September 24, 1998. The issues having been duly considered and a decision having been duly rendered, for the reasons set forth in the Memorandum Opinion filed concurrently herewith,

IT IS HEREBY ORDERED that Host Communications, Inc., Defendant, shall provide an accounting to Scott P. Kirtley, Trustee of the Chapter 7 Bankruptcy Estate of PowerNet Communications, Inc., Plaintiff, for all commissions due to it as a result of the \$208,470.42 in collections which it received.

IT IS FURTHER ORDERED that said accounting shall be in a format which follows § 5.3

DOCKETED 11/12, 1998.
Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

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of the Contract, and allows the parties to determine how Host arrived at the commission amount.

IT IS FURTHER ORDERED that said accounting shall be filed with the Court and served upon counsel for Powernet within twenty-one (21) days of the date of this Judgment.

IT IS FURTHER ORDERED that said accounting shall not make any adjustment for bad debt other than a deduction of three percent (3%) as provided for in the Contract.

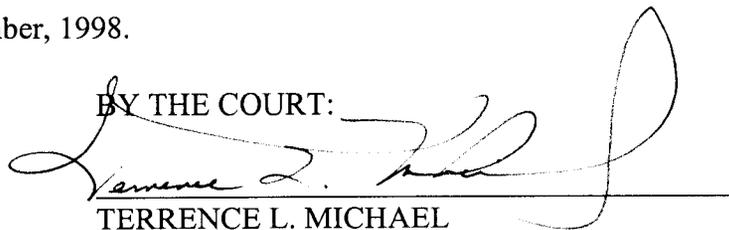
IT IS FURTHER ORDERED that Scott P. Kirtley, Trustee of the Chapter 7 Bankruptcy Estate of Powernet Communications, Inc., shall file any objections to the accounting within ten (10) days of its receipt.

IT IS FURTHER ORDERED that upon receipt of the accounting and any objections, the Court shall either issue a judgment in favor of Scott P. Kirtley, Trustee of the Chapter 7 Bankruptcy Estate of Powernet Communications, Inc., for the amount of commissions so calculated or shall schedule the matter for further proceedings.

IT IS FURTHER ORDERED that Scott P. Kirtley, Trustee of the Chapter 7 Bankruptcy Estate of Powernet Communications, Inc., shall recover \$1.00 in nominal damages by virtue of his claim for breach of contract with respect to the billing practices of Host, and shall recover nothing for its claim for loss of End Users.

IT IS FURTHER ORDERED that Host Communications, Inc. shall take nothing by way of its counterclaim.

Dated this 10th day of November, 1998.

BY THE COURT:

TERRENCE L. MICHAEL
UNITED STATES BANKRUPTCY JUDGE

c: James R. Hicks
James J. Proszek

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