IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 9801-7894

KELLY PATTEE

Petitioner

vs.

TWIN CITY FIRE INSURANCE

Respondent/Insurer for

BEST PRODUCTS, INCORPORATED

Employer.

JUDGMENT

As a result of the settlement conference in this matter, the parties stipulate to the entry of judgment as follows.

IT IS HEREBY ORDERED that:

1. The insurer Twin City Fire Insurance shall pay the sum of $20,000 in cash within one week jointly to the petitioner and her attorney, Mr. James G. Edmiston and $13,250 to Mr. James G. Edmiston for attorney fees. In addition, Twin City Fire Insurance shall purchase an annuity from Hartford Life Insurance Company which shall pay $35,000 directly to petitioner on 12/31/2003 (petitioner's 55th birthday) and $35,000 directly to the petitioner on 12/31/2013 (petitioner's 65th birthday). These two payments shall be guaranteed. Should Hartford Life Insurance for any reason default on such payments, Twin City Fire Insurance shall remain liable for such payments.

2. The basis for this settlement is that the petitioner is permanently and totally disabled as defined in the Workers' Compensation Act. This settlement is based on the claimant's total disability benefit rate after the rate has been reduced as a result of the offset taken against the claimant's social security disability benefits. By entering into this settlement, both the insurer and the petitioner, agree to assume the risk that the condition of the petitioner, as indicated by reasonable investigation to date, may be other than it appears or may change in the future. Furthermore, the settlement amount is equivalent to the present value of the claimant's permanent total disability benefits, including the present value of any potential cost of living increases. Rehabilitation benefits are closed.

3. All disputes in the above-entitled matter, including any claims for attorney fees, costs or penalty are hereby fully and finally resolved. The above matter may be dismissed **without prejudice**.

DATED in Helena, Montana this 29th day of September, 1998.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Mr. James G. Edmiston
Mr. William O. Bronson