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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

LANDAMERICA FINANCIAL GROUP, INC., et. al.,
Debtors.

Case No. 089-35994-KRH
Chapter 11
Jointly Administered

HEALTH CARE REIT, INC.,
Plaintiff,

v.

Adv. Proc. No. 08-03149-KRH

LANDAMERICA 1031 EXCHANGE SERVICES, INC.,
Defendant.

**ORDER DENYING THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF LANDAMERICA 1031 EXCHANGE SERVICE INC.'S
RULE 12(b)(7) MOTION TO DISMISS COMPLAINT FOR FAILURE
TO JOIN INDISPENSABLE PARTY**

This matter having come before the Court on the Official Committee of Unsecured Creditors of LandAmerica 1031 Exchange Services, Inc.'s Rule 12(b)(7) Motion to Dismiss HCN's Complaint for Failure to Join Indispensable Party (the "Motion"), and the Court, having considered the Motion and Health Care REIT, Inc.'s ("HCN") Opposition to the Motion, finds that the Motion should be denied and that:

It is hereby **ORDERED**, that the Motion is DENIED with prejudice; and

It is hereby **ORDERED** that the Requirement of Local Bankruptcy Rule 9013 with respect to the filing of a memorandum of points and authorities is hereby satisfied; and

It is hereby further **ORDERED**, that this Court shall retain jurisdiction of all matters arising under or related to the implementation of this Order.

ENTERED: _____

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

WE HEREBY ASK FOR THIS:

/s/ Rosa J. Evergreen

Rosa J. Evergreen (Virginia State Bar No. 70977)

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Counsel for Health Care REIT, Inc.

LOCAL BANKRUPTCY RULE 9022-1(C) CERTIFICATION

Pursuant to Local Rule 9022-1(C), I hereby certify that the foregoing proposed order has been served upon all necessary parties.

/s/ Rosa J. Evergreen