

1585

This Instrument was Prepared by:

Marvin L. Stewart, Jr. Esq.  
2125 Morris Avenue  
Birmingham, Alabama 35203

STATE OF ALA. JEFFERSON CO.  
CERTIFICATE OF INSTRUMENT  
FILED ON  
DEC 21 3 38 PM '87  
TAX  
BEEN  
MENT.  
CORPORATE

STATE OF ALABAMA )

COUNTY )

DMI Tile & Marble, a corporation qualified under the laws of the State of Alabama, by and through Jim Isaminger, its President, who has personal knowledge of the facts herein set forth, files this statement in writing, verified by oath. DMI Tile & Marble claims a lien against the project known as Budgetel Inn located at 513 Cahaba Park Circle in Birmingham, Alabama 35243. This property is more particularly described as follows:

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SEE EXHIBIT A ATTACHED

This lien is claimed separately and severally, against the land, buildings, and improvements owned by each individual, partnership, and corporation to the extent that the entire parcel or lot is located within a city or town. If this land is not within a city or town, this lien is claimed separately and severally, as to the buildings and improvements located on the above described real estate, plus one (1) acre of land surrounding and contiguous thereto. The lien is claimed against the above-described real estate, plus improvements to secure the indebtedness of \$1,890 including interest and attorney fees.

*Marvin L. Stewart*

This money is owed for building materials and related supplies sold to NCM Construction Management for the benefit of that project known as Budgetel Inn located at 513 Cahaba Park Circle in Birmingham, Alabama and as more particularly described in Exhibit A. The owners of this property is B&G Realty, Inc. The contractor is NCM Construction Management.

DMI Tile & Marble

By:

Jim Isaminger  
Jim Isaminger, President

Before me, the undersigned, a Notary Public, in and for the County of Jefferson, State of Alabama, personally appeared Jim Isaminger, who is named as President of DMI Tile & Marble, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 7 day of December, 1987.

Marilyn Hopkins Isaminger  
Notary Public  
My Commission Expires: 11-29-88

File No. 2103 87-58531

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EXHIBIT "A"  
Exceptions

2972 P. 200

1. Ad valorem taxes for the tax year commencing October 1, 1985, which are not due and payable until October 1, 1986.

2. Transmission line permit to Alabama Power Company recorded in Deed Book 285, Page 802, and in Deed Book 347, Page 105, in the Probate Office of Shelby County;

3. Oil, gas, and sulphur rights and rights relating thereto as reserved in deed recorded in Volume 3597, Page 112, in the Probate Office of Jefferson County, Alabama.

4. Restrictions and Covenants contained in Covenant and Agreement dated August 20, 1985, by and among the Water Works Board of the City of Birmingham (the "Water Works"), Investment Southeastern, Ltd. ("ISE"), 280 Associates, Ltd. ("280"), and Kovach-Eddleman Properties ("KEP"), recorded in the Office of the Judge of Probate of Shelby County, in Real Volume 069, Page 393; and in the Office of the Judge of Probate of Jefferson County, Alabama, in Real Volume 2756, Page 632, and in Real Volume 2897, Page 692.

5. Restrictions and Covenants contained in Declaration of Protective Covenants and Agreements dated April 16, 1985, of 280 and KEP, recorded in Real Volume 37, Page 96, Probate Office of Shelby County, Alabama, and Real Volume 2748, Page 334, Probate Office of Jefferson County, Alabama, as amended by that Amendment to Declaration of Covenants dated August 7, 1985, recorded in Real Volume 51, Page 996, Probate Office of Shelby County, Alabama and Real Volume 2786, Page 829, Probate Office of Jefferson County, Alabama.

6. Signage, Landscaping, and other Covenants and Restrictions contained in August 12, 1985, letter to Shelby County Planning Commission from Horizon 280 Associates and approved by ISE;

7. Restrictions and Covenants contained in Declaration of Easements of 184 dated April 7, 1986, recorded in Real Volume 71, Page 925, Probate Office of Shelby County, Alabama, and in Real Volume 2908, Page 331, Probate Office of Jefferson County, Alabama.

8. Easement for storm sewer to 280, recorded in Real Volume 71, Page 994, Probate Office of Shelby County; and recorded in Real Volume 2923, Page 84, Probate Office of Jefferson County, Alabama.

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9. Restrictions and Covenants in Agreement dated August 7, 1985 between ISE, KIP and 280, recorded in Real Volume 38, Page 71, Probate Office of Shelby County, and in Real Volume 2748, Page 377, Probate Office of Jefferson County, Alabama.

10. Restrictions and Covenants contained in Reciprocal Easement Agreement dated August 7, 1985 between ISE, KIP and 280, recorded in Real Volume 38, Page 39, Probate Office of Shelby County and Real Volume 2748, Page 384, Probate Office of Jefferson County, Alabama.

11. Utility Easements for utilities serving the property and other property in the subdivision of which the property is a part, including without limitation:

(a) Sanitary Sewer Easement in favor of Cahaba Water Renovation System, Inc. dated April 16, 1986, recorded in Real Volume 72, Page 01, Probate Office of Shelby County, and Real Volume 2923, Page 90, Probate Office of Jefferson County, Alabama.

(b) Easement in favor of Alabama Power Company dated February 7, 1986, recorded in Real Volume 67, Page 359, Probate Office of Shelby County;

(c) Easements for underground gas, water and telephone utilities as well as storm and sanitary sewer within areas reserved for easements as reflected on that Subdivision Plat of Cahaba Park South, prepared by Walter School Engineering Co., dated April 1986, recorded in Map Book 9, Page 164, Probate Office of Shelby County and recorded in Map Book 149, Page 39, Probate Office of Jefferson County, and Resurvey of Lots 6 and 7, Cahaba Park South, as recorded in Map Book 10, Page 28, Probate Office of Shelby County, and in Map Book 150, Page 55, Probate Office of Jefferson County, Alabama.

12. Restrictions and Covenants contained in Declaration of Protective Covenants and Agreements dated September 30, 1985, of ISE, recorded in Real Volume 71, Page 931, Probate Office of Shelby County, and in Real Volume 2908, Page 337, in the Probate Office of Jefferson County, Alabama.

13. Restrictions and covenants contained in Covenant and Agreement recorded in Real volume 2402, Page 506; as amended and modified by instrument recorded in Real Volume 2694, Page 853; as further amended and modified by instrument recorded in Real Volume 2756, Page 661 and Real Volume 2897, Page 702.

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14. Dever easement granted Kovach and Eddleman, as Alabama general partnership by instrument recorded in Real Book 73, Page 986, in the Probate Office of Shelby County, Alabama, and in Real Volume 2923, Page 103, in the Probate Office of Jefferson County, Alabama.

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|                  |    |             |
|------------------|----|-------------|
| 1. Deed Tax      | \$ | <u>    </u> |
| 2. Mtg. Tax      |    | <u>    </u> |
| 3. Recording Fee |    | <u>1500</u> |
| 4. Indexing Fee  |    | <u>100</u>  |
| TOTAL            |    | <u>1600</u> |

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

87 DEC 23 PM 2:11

*Thomas A. Swanson*  
JUDGE OF PROBATE

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S.I.C.

421.50  
11.00  
432.50