

**IN THE CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA**

**AMSOUTH BANK OF ALABAMA,
an Alabama banking corporation,**

Plaintiff,

vs.

**DONALD L. HELTON, an
individual; and LESLIE B.
HELTON, an individual,**

Defendants.

CIVIL ACTION NO.

CV 94-4992

CERTIFICATE OF JUDGMENT

**Plaintiff:
AmSouth Bank N.A.**

**Plaintiff's Attorney: Anne B. Stone
Walston, Stabler, Wells,
Anderson & Bains
P.O. Box 830642
Birmingham, Alabama 35283-0642**


**Defendants:
Donald L. Helton
1430 Margaret Street
Leeds, AL 35094**

**Defendants' Attorney: John S. Davidson, Esq.
181 West Valley Avenue, Ste. 108
Birmingham, AL 35209**

**Leslie B. Helton
740 First Place
Pleasant Grove, AL 35127**

I, Polly Conradi, Clerk of the above-named Court, hereby certify that on October 4, 1994, plaintiff, AmSouth Bank N.A., recovered of defendants, Donald L. Helton and Leslie B. Helton, jointly and severally, in said Court in the above-styled action, a judgment in the amount of \$136,100.74 dollars, plus \$128.00 dollars court costs as is set forth in the attached Order entered by Judge William Jackson of this Court.

Given under my hand and seal this the 9th day of November, 1994.


Polly Conradi, Clerk
Circuit Court of Jefferson County, Alabama
11/14/1994-33760
08:51 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 13.50

Inst # 1994-33760

FILED IN OFFICE

OCT 4 1994

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JEFFERSON COUNTY, ALABAMA POLLY CONRAD
Clerk**

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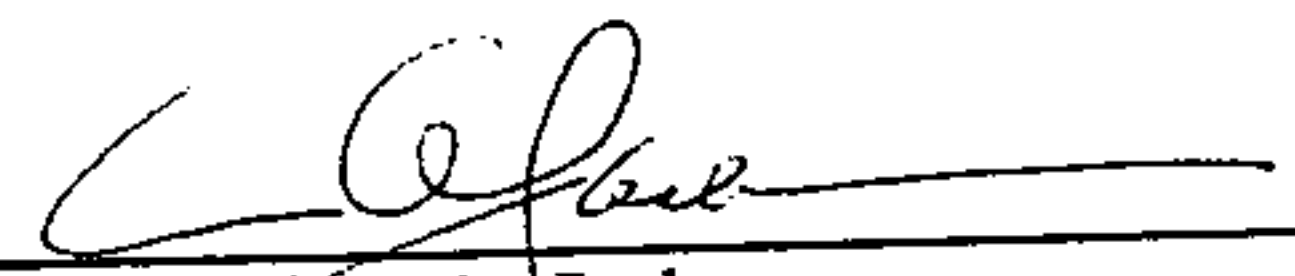
FINAL ORDER OF JUDGMENT

A hearing was held on this date in the above-styled action on the Motion For Default Judgment Or, In the Alternative, Motion For Summary Judgment of plaintiff AmSouth Bank of Alabama ("AmSouth"). With respect to the Motion For Default Judgment, the Court hereby finds that, because the defendants filed an Answer to the complaint, a default judgment under Rule 55, Ala.R.Civ.P., is not due to be entered against them. With respect to the Motion For Summary Judgment, however, the Court finds that (a) the motion was properly supported by a narrative summary and the Affidavit of Victoria Finley, Vice President of AmSouth (attached to which was the subject promissory notes and guaranty agreements), as to the amount of the outstanding debt owed under the guaranty agreements through today's date, and the Affidavit of Anne B. Stone, as to costs of collection, including attorneys' fees, all in accordance with Rule 56(c)(1); (b) that the motion and supporting affidavits were served at least 10 days prior to the hearing on the motion in accordance with Rule 56(c)(2); and (c) that the defendants

failed to present any opposition to the motion as required by Rule 56(e). Based on the foregoing, the Court finds that there is no genuine issue of material fact and that summary judgment is due to be entered in favor of AmSouth and against the defendants, jointly and severally, in the amount of \$136,100.74, which amount is the total debt through October 4, 1994, owed by the defendants, jointly and severally, under the guaranty agreements.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED, that AmSouth's Motion for Default Judgment is DENIED; that AmSouth's Motion For Summary Judgment is GRANTED; and that FINAL JUDGMENT is hereby ENTERED in favor of AmSouth and against Donald L. Helton and Leslie B. Helton, jointly and severally, in the amount of \$136,100.74, plus costs, and that AmSouth shall have and recover said amount from the defendants, jointly and severally.

This the 4 day of October 1994.



Hon. William A. Jackson
Circuit Court Judge

cc:

Anne B. Stone, Esq.
P.O. Box 830642
Birmingham, AL 35283-0642

John Davidson, Esq.
181 West Valley Ave., Ste. 108
Birmingham, AL 35209

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