

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

BROOK HIGHLAND COMMON  
PROPERTY ASSOCIATION, INC.,

Plaintiff,

v.

BROOK HIGHLAND LIMITED  
PARTNERSHIP, DEVELOPERS  
DIVERSIFIED REALTY CORPORATION,

Defendants.

CIVIL ACTION NO.:

Inst # 1995-18838

STATEMENT OF LIEN

Please take notice that Brook Highland Common Property Association, Inc., (the "Association"), pursuant to Ala. Code § 35-8-16 & 17 and Ala. Code § 35-8A-316, hereby files of record its verified claim of lien against the property described herein. The lien is asserted in accordance with the Brook Highland Common Property Declaration of Covenants, Conditions, and Restrictions [hereinafter the "Declarations"], dated August 29, 1990, recorded at real 307 page 950 in the Probate Office of Shelby County, Alabama.

1. The Association claims a lien against the following properties:

- (1) Lot 1, according to the survey of Brook Highland Plaza, as recorded in Map Book 16 page 102 of the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama: [hereinafter "Lot 1"]
- (2) Lot 2, according to the survey of Brook Highland Plaza, as recorded in Map Book 16 page 102 of the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. [hereinafter "Lot 2"]

(3) Less and excluding that portion of the above Lot 1 that was conveyed to Aussie Realty Partners, L.L.C.

2. The lien is claimed separately and severally on the real property and on all fixtures, structures, and improvements.

3. The lien is to secure indebtedness in the principal amount of \$10,608.96 for unpaid assessments plus interest and reasonable costs of collection, including attorneys' fees, as provided by the Declarations. All unpaid assessments were charged properly in the manner and for the purposes authorized by the Declarations.

4. The owner(s) of the above described realty is(are) Brook Highland Limited Partnership, a Georgia limited partnership, which has its address at 1900 International Park Drive, Suite 303, Birmingham, Alabama 35243, and Developers Diversified Realty Corporation, c/o Ms. Joan Allgood, Esq., 34555 Chagrin Boulevard, Moreland Hills, Ohio 44022.

PREMISES CONSIDERED, the Association requests that this lien statement be filed in the Probate Office of Shelby County, Alabama.

VERIFICATION

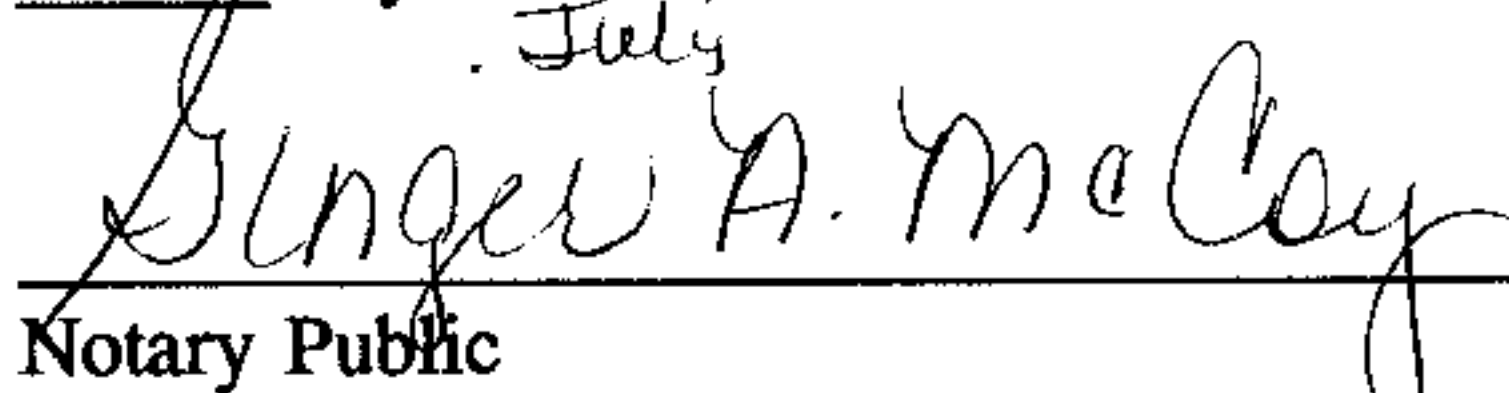
STATE OF ALABAMA           )  
  )  
COUNTY OF SHELBY        )

Susan E. Carr, being first duly sworn, on oath deposes and says that she is the Regional Director, Asset Management of Daniel Corporation, which is acting as an agent of the Brook Highland Common Property Association; that she has read the foregoing Statement of Lien and knows the contents thereof; that all matters stated in the foregoing Statement of Lien are not within her personal knowledge but that she has relied upon other persons and documents with respect to certain information; that she reserves the right to amend the information contained in the Statement of Lien based upon the discovery of additional information; and that subject to the limitations set forth herein, the facts set forth in the Statement of Lien are true to the best of her knowledge, information and belief.



Susan E. Carr

Subscribed and sworn to before me this  
17<sup>th</sup> day of ~~June~~ <sup>July</sup>, 1995.

  
Notary Public

My Commission Expires:                       
**MY COMMISSION EXPIRES AUGUST 2, 1996**

[NOTARIAL SEAL]



E. Glenn Waldrop, Jr.

Stephanie K. Womack

Attorneys for Brook Highland Common  
Property Association

OF COUNSEL:

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Lightfoot, Franklin & White, L.L.C.  
300 Financial Center  
505 North 20th Street  
Birmingham, Alabama 35203  
(205) 581-0700

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon the following by placing a copy of the same in the United States mail postage prepaid, on this the 17th day of July, 1995:

W. Ernest Moss  
Brook Highland Limited Partnership  
1900 International Park Drive  
Birmingham, Alabama 35243

Developers Diversified Realty Corporation  
c/o Ms. Joan Allgood, Esq.  
34555 Chagrin Boulevard  
Moreland Hills, Ohio 44022



OF COUNSEL

Inst # 1995-18838

07/17/1995-18838  
01:57 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.00