

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

THE CIT GROUP/EQUIPMENT
FINANCING, INC.,

Plaintiff,

VS.

OAK MOUNTAIN ENERGY, L.L.C.
1051 OAK MOUNTAIN DRIVE
PELHAM, ALABAMA 35124

Defendant.

CV-98-J-2048-S

9 9 0 6 / 4 3 6 0

CERTIFICATE OF JUDGMENT

I, PERRY D. MATHIS, Clerk of the United States District Court for the Northern District of Alabama, do hereby certify that on the 22nd day of March, 1999, an Order was rendered by said Court in the above-styled cause, wherein it was ORDERED by the Court as set out in the Order hereto attached; and that Scott W. Ford, Esq., is the Attorney of Record for The CIT Group/Equipment, Inc., in said cause.

WITNESS, My Hand and the Seal of
said Court, this the 8th day of April,
1999.

PERRY D. MATHIS, CLERK

BY:

Deputy Clerk

Inst # 1999-20660

05/17/1999-20660
10:36 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 NWS 13.50

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

MAR 22 1999

THE CIT GROUP/EQUIPMENT
FINANCING, INC.,

Plaintiff,

v.

OAK MOUNTAIN ENERGY, L.L.C.

Defendant.

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

CASE NO. CV 98-J-2048-S

ENTERED

MAR 22 1999

ORDER

This matter came to be heard on the Motion for Summary Judgment by The CIT Group/Equipment Financing, Inc. ("CIT"), against the defendant, Oak Mountain Energy, L.L.C. ("Oak Mountain").

The Court hereby finds that there is no genuine issue as to any material fact and that CIT is entitled to a judgment as a matter of law. Accordingly, the Court hereby **ORDERS, ADJUDGES AND DECREES** as follows:

1. The Motion for Summary Judgment by The CIT Group/Equipment Financing, Inc. is granted.
2. CIT is awarded a judgment against Oak Mountain in the amount of \$5,800,611.42 plus interest.
3. CIT is entitled to recover its reasonable attorneys' fees from Oak Mountain. The Court reserves jurisdiction for the limited purpose of allowing CIT to request, on a duly filed and served motion, a request for an additional amount to be added to its judgment for attorneys' fees incurred now and in the future.

Inst # 1999-20660

4. CIT is awarded possession of the Equipment.
5. CIT shall dispose of the Equipment and the net proceeds of any disposition of the Equipment shall be applied to reduce the balance owed on this judgment.
6. From and after the date of judgment, the unpaid balance owed by Oak Mountain on this judgment shall bear interest at the contractual rate of 18% per annum.

Dated this the 22 day of March, 1999.

Inge P. Johnson
Inge P. Johnson
United States District Judge

171461-1

A TRUE COPY
PERRY D. KATHIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY: Deborah A. Berry
DEPUTY CLERK

State of Alabama - Jefferson County
I certify this instrument filed on:
1999 APR 29 P.M. 14:26
Recorded and \$
and \$ 9.50
Deed Tax and Fee Amt. 9.50
Total \$
GEORGE R. REYNOLDS, Judge of Probate
9906/4360

05/17/1999-20660

10:36 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 WAS 13.50