

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

DUNN BUILDINGS, L.L.C.,
PETITIONER,
VS.
R & M EQUIPMENT RENTALS,
RESPONDENT.

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)

CASE NO. 42-112

CERTIFICATE OF TRANSFER OF LIEN FROM REAL PROPERTY TO BOND

The Petitioner, Dunn Buildings, L.L.C., has filed in this court, its petition requesting that this Court certify to the lien claimant, that its lien claim, recorded in Instrument No. 2001-52110, in this Court, has been transferred from the real property upon which the lien is sought to be imposed to the Bond for Transfer of Lien which was filed by the Petitioner, pursuant to Section 35-11-233, of the Alabama Code of 1975, as amended, in this Court at Instrument 2001-56211.

It appears to the Court, and it is so ordered, that the bond has been properly prepared, executed and filed and that the lien claim is hereby transferred from the real property to the bond.

NOW, THEREFORE, the Court does hereby accordingly certify to R & M Equipment Rentals, Inc., the Respondent herein, that the bond filed by the Petitioner has been properly prepared, executed and filed and that the Court has accordingly transferred said lien claim from said real estate to said bond.

The clerk of this Court is hereby ordered to (1) send, by certified mail, a copy of this certificate, together with a copy of the Petition filed by Dunn Buildings, L.L.C. to R & M Equipment Rentals, Inc., at the following address:

R & M Equipment Rentals, Inc.
2329 29th Avenue North
Birmingham, Alabama 35207

and (2) record a copy of this certificate in the recording division of the Court.

DONE and ORDERED, this the 21 day of December, 2001.


PATRICIA YEAGER FUHRMEISTER
JUDGE OF PROBATE

cc: N. Christian Glenos

12/21/2001-56211
11:40 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MEL 17.00

Inst # 2001-56211

BOND FOR DISCHARGE OF MATERIALMAN'S LIEN ON REAL ESTATE

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS, That we, Dunn Buildings, LLC, as Principal, and Federal Insurance Company, as Surety, are held and firmly bound unto R&M Equipment Rentals, as Obligee, in the full and just sum of Twenty-Two Thousand, Five Hundred and 40/100 dollars, for payment of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, jointly and severally, by these presents.

WHEREAS, the said Obligee has on or about December 3, 2001, placed and caused to be filed in Shelby County, Alabama, a Notice of Lien in the amount of \$18,145.48 for the furnishing of material and labor to Shipman Builders, Inc. for use in the improvement of certain real property in the State and County, to wit: Blue Circle Cement - RK5 Materials Handling Raw Material Storage Building, 8039 Highway 25 & Shelby County Road 16 (near entrance) Calera, Alabama 35040.

WHEREAS, the Principal requests Shelby County, Alabama to cancel said Lien and place bond in lieu thereof;

NOW THEREFORE, the condition of this obligation is such, that should the Principal or Surety herein pay to the said Obligee, holder of the said lien, the sum that may be found due him upon the trial of any action that may be filed by him to recover the amount of his claim, within twelve (12) months of the time said claim shall become due, then, this obligation to be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the above bound parties have executed this instrument under their several seals this 14th day of December, 2001.

In the Presence of:

Quane Larson

Billie G. Sanders

Dunn Buildings, LLC

By: [Signature]

Federal Insurance Company

By: Renee Ellis
Renee Ellis, Attorney in Fact

Approved this _____ day of _____, 2001 at _____ o'clock _____ and the lien hereinabove referred to being hereby discharged upon the filing of this bond.



**POWER
OF
ATTORNEY**

**Federal Insurance Company
Vigilant Insurance Company
Pacific Indemnity Company**

**Attn.: Surety Department
15 Mountain View Road
Warren, NJ 07059**

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **Paul B. Scott, Jr., Renee Ellis, Joseph M. Walker, Jr., Walter C. Dowdy, Thomas J. Gentile, Billie Jo Sanders and David J. Durden** of Montgomery, Alabama-----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this 25th day of July, 2001

Sheryl B. Roberts
Sheryl B. Roberts, Assistant Secretary

Frank E. Robertson
Frank E. Robertson, Vice President

STATE OF NEW JERSEY }
County of Somerset } ss.

On this 25th day of July, 2001, before me, a Notary Public of New Jersey, personally came Sheryl B. Roberts, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Sheryl B. Roberts being by me duly sworn, did depose and say that she is Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with Frank E. Robertson, and knows him to be Vice President of said Companies; and that the signature of Frank E. Robertson, subscribed to said Power of Attorney is in the genuine handwriting of Frank E. Robertson, and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



**Notary Public State of New Jersey
No. 2231647
Commission Expires Oct. 28, 2004**

Karen A. Price
Notary Public

CERTIFICATION

Extract from the By-Laws of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY**:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Sheryl B. Roberts, Assistant Secretary of **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U. S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U. S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
- (iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 14th day of December, 2001



Sheryl B. Roberts
Sheryl B. Roberts, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY
Telephone (908) 903-3485 Fax (908) 903-3656 e-mail: surety@chubb.com

Inst # 2001-56211

12/21/2001-56211
11:40 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE