

20070706000320450 1/4 \$20.00
Shelby Cnty Judge of Probate, AL
07/06/2007 01:58:22PM FILED/CERT

State of Alabama Unified Judicial System Form C-70 Rev.10/86	NOTICE OF FILING OF FOREIGN JUDGMENT	Case Number <i>CV09. 412</i>
IN THE CIRCUIT COURT OF _____ <u>SHELBY COUNTY</u> _____, ALABAMA (Name of County)		
NOTICE TO JUDGMENT DEBTOR:		
<div style="display: flex; justify-content: space-between;"><div><div style="border: 1px solid black; padding: 5px; width: 40%;">Joseph A. Matta 601 Brooks Lane Birmingham, AL 35244</div><div style="border: 1px solid black; padding: 5px; width: 40%; text-align: center;">RECEIVED AND FILED MARY H HARRIS MAY 02 2007 CIRCUIT CLERK SHELBY CO</div></div></div>		
<div style="display: flex; justify-content: space-between;"><div><u>U.S. Foodservice</u> Name of Judgment Creditor <u>7950 Spence Road, Fairburn, Georgia 30213</u> Address</div><div><u>John M. Galese & Cassandra J. Harris</u> Name of Judgment Creditor's Attorney <u>800 Shades Creek Pkwy, Suite 300, Birmingham, AL 35209</u> Address</div></div>		
<div style="display: flex; justify-content: space-between;"><div><u>Circuit Court of Shelby County, Alabama</u> Name of Court Entering Foreign Judgment Date Foreign Judgment Entered</div><div><u>Case Number of Court Entering Foreign Attorney</u> <u>\$ 173,078.88</u> Amount of Foreign Judgment</div></div>		
<p>NOTICE IS HEREBY GIVEN THAT THE ABOVE REFERRED FOREIGN JUDGMENT WAS FILED IN THE CIRCUIT CLERK'S OFFICE IN THE ABOVE NAMED COURT. THE JUDGMENT HAS THE SAME EFFECT AND IS SUBJECT TO THE SAME PROCEDURES, DEFENSES AND PROCEEDINGS FOR REOPENING, VACATING, OR STAYING AS A JUDGMENT OF A CIRCUIT COURT OF THIS STATE AND MAY BE ENFORCED OR SATISFIED IN LIKE MANNER. YOU ARE FURTHER NOTIFIED THAT NO EXECUTION OR OTHER PROCESS FOR ENFORCEMENT OF THIS FOREIGN JUDGMENT SHALL ISSUE UNTIL THIRTY (30) DAYS AFTER THE DATE THE JUDGMENT IS FILED.</p>		
<div style="display: flex; justify-content: space-between;"><div style="border: 1px solid black; padding: 5px; width: 30%;">Date Foreign Judgement Filed In the Circuit Clerk's Office: <u>5/2/07</u> (Date)</div><div style="width: 60%; text-align: center;"><i>Mary H. Harris TR</i> CLERK</div></div>		

Court Record (White)

Judgment Debtor (Canary)

6-28-07
Mary H Harris TR

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

U.S. FOODSERVICE, INC.,

Plaintiff,

v.

JOSEPH A. MATTA,

Defendant.

CIVIL ACTION NO.:

RECEIVED AND FILED

MARY HARRIS

MAY 02 2007

CIRCUIT CLERK
SHELBY COUNTY

AFFIDAVIT OF JOHN MARTIN GALESE

STATE OF ALABAMA)

JEFFERSON COUNTY)

Before me appeared John Martin Galese, who being known to me as U.S. Foodservice, Inc.'s attorney, affirmed as follows:

"My name is John Martin Galese. I am over 21 years of age, have personal knowledge of the facts set forth herein and I am competent to testify. At all times material hereto I have been U.S. Foodservice, Inc.'s attorney.

The last known address for the judgment debtor, Joseph A. Matta is 601 Brooks Lane, Birmingham, Alabama 35244. The address for the judgment creditor, U.S. Foodservice, Inc., is 7950 Spence Road, Fairburn, Georgia 30213.

The judgment that was obtained against the judgment debtor, Joseph A. Matta in the State Court of Fulton County, Georgia, was for the principal sum of \$105,173.63, plus interest in the amount of \$22,086.45, plus reasonable attorney's fees in the amount of \$12,277.73, plus post-judgment interest at the contract rate of one and one half (1.5%) percent per month from the date of judgment and all costs of the action. This judgment that was obtained on January 17, 2006, is valid, enforceable, and unsatisfied. A certified copy of said judgment is attached hereto and incorporated herein."

JOHN MARTIN GALESE

Sworn to and subscribed before me on this the 30th day of April, 2007.

NOTARY PUBLIC

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State of Georgia

County of Fulton

State Court of Fulton County
Civil Division

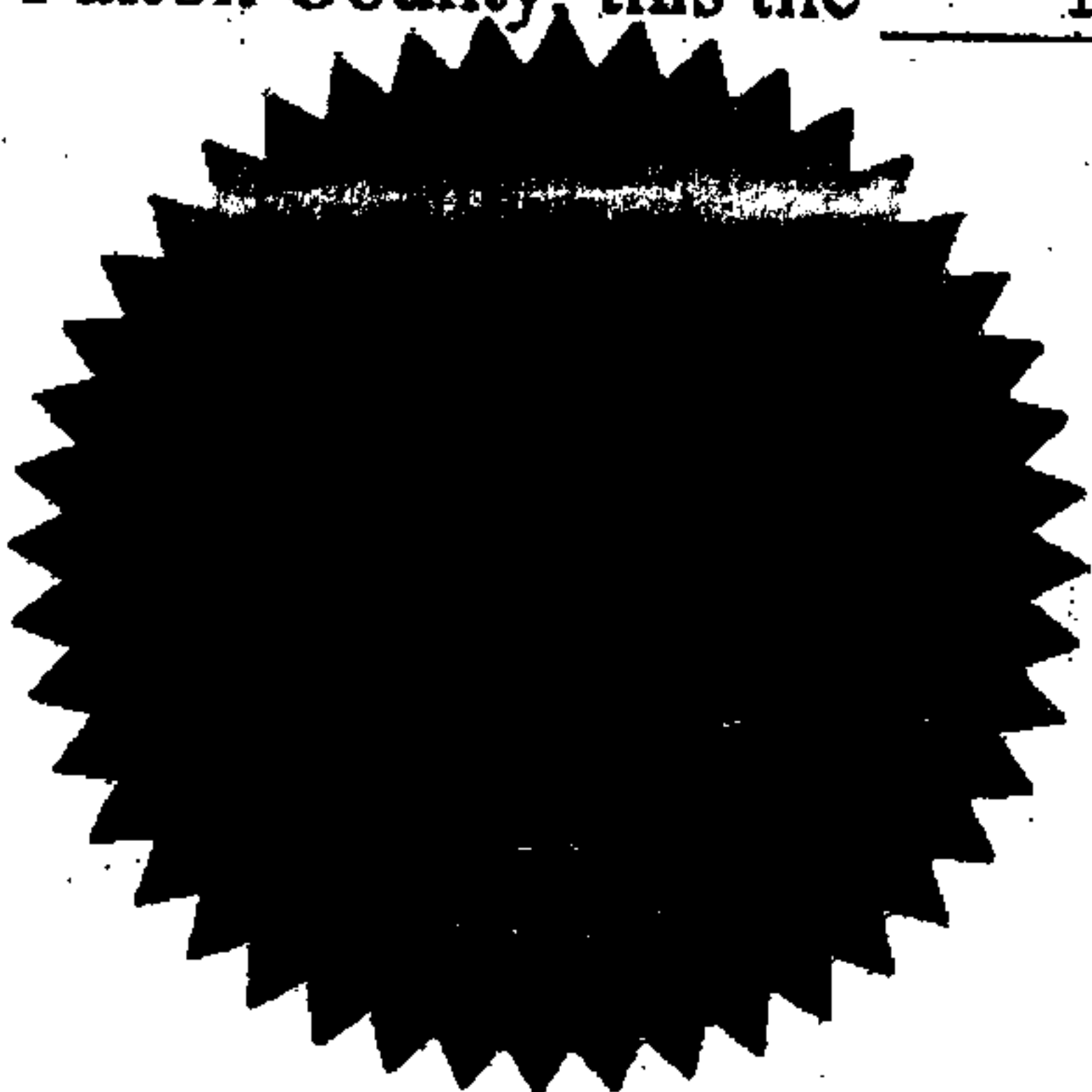
ss.

I, STEFANI R. SEARCY, Chief Clerk of the State Court of Fulton County, do hereby certify that the attached is a true copy of:

ORDER AND JUDGMENT IN THE CASE OF U S FOODSERVICE INC DELWARE VS
JOSEPH A MATTA, AJM, INC. A DISSOLVED CORPORATION AND R&j enterprises inc
a dissolved corporation IN THE CASE # 05VS084114

with the original record and files thereof, now remaining in this office, and the same is a correct transcript therefrom, and of the whole of such original record and file.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the State Court of Fulton County, this the 18 day of JAN, 2006.



Chief Clerk
State Court of Fulton County

Stefani R. Searcy

I, A. L. THOMPSON, Chief Judge of the State Court of Fulton County, and presiding Judge of said Court, do hereby certify that the above attestation, subscribed by Stefani R. Searcy, as Chief Clerk of said Court, is sufficient and in due form of law, and that her signature thereto is genuine, and that full faith and credit are due to all of her official acts.

WITNESS my hand and official signature this 18 day of JAN, 2006.

A. L. Thompson
Chief Judge, State Court of Fulton County

State of Georgia,
County of Fulton,
State Court of Fulton County.
Civil Division

ss.

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IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA
U.S. FOODSERVICE, INC., (DELAWARE)

Plaintiff

vs.

JOSEPH A. MATTA, AJM, INC., A Dissolved
Corporation and R&J ENTERPRISES, INC., a
Dissolved Corporation,

Defendant

* CIVIL ACTION

* FILE NO: 05-VS-086114A

ORDER FOR JUDGMENT

Plaintiff's Motion to Strike Answer and for Entry of Judgment by Default has been filed for thirty (30) days and no response has been filed by Defendants. Plaintiff's attorney has provided this Court with a letter from Defendants' attorney advising that Defendants have "elected not to proceed with the defense of this case". Accordingly, Plaintiff's Motion is now ripe for ruling;

Based upon the review of the pleadings and record of this case, this Court finds that the Answer filed on behalf of Defendants in this action was not timely filed within thirty (30) days of the date of service and that Defendants have not moved the Court to open the default;

This Court further finds that the Answer filed on behalf of Defendants was filed by an individual unlicensed to practice law in the State of Georgia and, accordingly, said Answer is a nullity;

Based upon the foregoing, this Court hereby GRANTS Plaintiff's Motion to Strike Answer and enters judgment against Defendants, jointly and severally in the principal amount of \$105,173.63, plus interest through the date of judgment in the amount of \$22,086.45, plus reasonable attorney's fees pursuant to O.C.G.A. § 13-1-11 in the amount of \$12,277.73, plus post-judgment interest at the contract rate of one and one half (1.5%) percent per month from the date of judgment and all costs of this action.

SO ORDERED this 17 day of January, 2006.

PRESENTED BY:

J. CHRISTOPHER SIMPSON
Attorney for Plaintiff
State Bar Number: 647800
SIMPSON LAW OFFICES, L.L.P.
One Securities Centre, Suite 300
3490 Piedmont Road, N.E.
Atlanta, Georgia 30305
(404) 266-2421

[Signature]
JUDGE, State Court of Fulton County



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JCS/kw