

Instrument Prepared By:  
David R. Hume, Jr.  
Bradley Arant Rose & White LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, Alabama 35203  
(205) 521-8000

## VERIFIED STATEMENT OF LIEN

STATE OF ALABAMA     )  
                                     :  
COUNTY OF SHELBY     )

Stewart/Perry Company, Inc. files this statement in writing, verified by the oath of Del Allen, its Chief Financial Officer, who has personal knowledge of the facts herein set forth:

That Stewart/Perry Company, Inc. claims a lien upon the following Leasehold rights and real property located at Circuit City Store #3806, Brook Highland Plaza, 5265 Highway 280, Birmingham, AL 35242-5315, as shown in the Memorandum of Lease recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument No: 20080226000077130, and more particularly described, to wit:

### LEGAL PROPERTY DESCRIPTION

#### SEE ATTACHMENT A

This lien is claimed, separately and severally, as to the lease hold rights, land, buildings and improvements thereon to the extent of the entire lot or parcel which is contained within a city or town. If said land is not within a city or town, this lien is claimed, separately and severally, as to the buildings and improvements located on the above-described real property, plus one acre of land surrounding and contiguous thereto. This lien is also claimed as to any amounts owing from the lessee Circuit City and the owner or proprietor, GS Brook Highland, LLC, of the said property to the said contractor.

That said lien is claimed to secure an indebtedness, after all just credits have been given, of \$404,817.00 with interest from November 10, 2008, plus all allowable costs, interest, and attorney's fees, for materials, labor, and supplies to construct the building and improve the above-described property. The date of last furnishing materials and services was November 10, 2008 for the project known as Circuit City Store #3806.

The name of the owner of the said property is GS Brook Highland, LLC. The labor, materials, and supplies were purchased from Stewart/Perry Company, Inc. in the name of Circuit City Stores for the construction of improvements on said property. The purchase of said materials, labor, and supplies benefited the Lessee Circuit City and the Owner, GS Brook Highland, LLC.

*[See Page 2 for Signature]*

STEWART/PERRY COMPANY, INC.

BY:   
Del Allen, Chief Financial Officer

STATE OF ALABAMA                   )  
   :  
COUNTY OF JEFFERSON            )

Before me, the undersigned, a notary public in and for the County of Jefferson, State of Alabama, personally appeared Del Allen, the Chief Financial Officer of Stewart/Perry Company, Inc., who being duly sworn, doth depose and says that he has personal knowledge of the facts set forth in the foregoing Verified Statement of Lien, and that the same are true and correct.


  
Affiant

Subscribed and sworn to before me on this the 19<sup>th</sup> day of January, 2009, by said affiant.

  
Notary Public

My commission expires: 7-20-2011

[NOTARIAL SEAL]

  
20090121000018530 2/4 \$26.00  
Shelby Cnty Judge of Probate, AL  
01/21/2009 12:06:02PM FILED/CERT

# Attachment A

## Legal Description

(Phase I)

### PARCEL 1

Lots 1, 1A, 2, 2A, according to the Brook Highland Plaza resurvey, as record in map book 18M page 99 in the probate office of Shelby County, Alabama, being situated in Shelby County, Alabama.

Together with all of the beneficial rights and interests in the easement under the following instruments:

1) Declaration of easements and restrictions convenats (Brook Highland Development – 1.35 acres out parcel) by Amsouth Bank N.A. as ancillary trustee for NBNC National Bank of North Bank of North Carolina, as trustee for the public employees retirement system of Ohio, dated August 29, 1990, and recorded in real 307, page 985, in said probate office.

2) Easement agreement dated October 12, 1993, by an between Amsouth Bank N.A., as ancillary trustee for Nationsbank of North Carolina, N.A. as trustee for the public employees retirement system of Ohio, and Brook Highland limited partnership, a Georgia limited partnership recorded as instrument #1993-32515 in said probate office.

### PARCEL 2

All beneficial rights in easements granted to developers diversified of Alabama Corp., by the easement agreement dated December 30, 1994, by and between Brook Highland limited partnership and developers in diversified of Alabama, as recorded as recorded as instrument no. 1994-37773 in probate office of Shelby County, Alabama.

All being situate in Shelby County, Alabama.

(Phase II)

All that tract of Parcel of land lying and being in section 31, township 18 South Range 1 West, Shelby County, Alabama being more particularly described as follows;

Beginning at the Northwest corner of the Southeast quarter of section 31, township 18 South, Range 1 West, Shelby County, Alabama being south 89 31 51" West a distance of 848.96 feet from the Northeast corner of Lot 1, Brook Highland Plaza resurvey (map book 18, page 99);


Thence run South 89 31'51" West a distance of 50.00 feet to a point.

Thence run South 00 38'38" East a distance of 300.00 feet to a point; thence run North 89 37'51" East a distance of 20.00 feet to a point; thence run south 01 36'53" East a distance of 295.07 feet to a point; thence run south 89 31'51" West a distance of 225.00 feet to a point;



thence run South 00 38'38" East A distance of 145.41 feet to a point; thence run south 88 24'44" West a distance of 150.94 feet to a point;  
 Thence run North 71 10'44" West a distance of 90.62 feet to a point; thence run North 64 18'36" West a distance of 37.79 feet to a point; thence run North 73 31'00" West a distance of 110.98 feet to a point; thence run North 56 07'21" West a distance of 73.40 feet to a point; located on the to a point located on the Easterly right of way line of Brook Highland Parkway (right of way varies); thence run along and coincident with the Easterly right of way line of Brook Highland Parkway North 16 29'00" East A Distance of 206.74 feet to a point; Thence run along the coincident with the Easterly right of way line of Brook Highland Parkway North 73 31'00" West a distance of 12.00 feet to a point; thence run along and coincident with the Easterly right of way line of Brook Highland Parkway, along the arc of a curve an arc distance of 254.68 feet (said curve having a radius of 310.47 feet, a chord bearing of North 39 59'00" East, and a chord distance of 247.60 feet) to a point; Thence run along and coincident with the Easterly right of way line of Brook Highland Parkway North 26 31' 00 West a distance of 12.00 feet to a point;  
 Thence run along and coincident with the Easterly right of way line of Brook Highland Parkway North 63 29'00" a distance of 518.37 feet to a point; thence run along and coincident with the Easterly right of way line of Brook Highland Parkway 29 31'00" West a distance of 20.00 feet to a point; Thence run along and coincident with the Easterly right of way line of Brook Highland Parkway, along the arc of a curve an arc distance of 501.28 feet (said curve having a radius of 635.12 feet, a chord bearing of North 40 52'21" East, a chord distance of 48837 feet) to a point; thence leaving the right of way line of Brook Highland Parkway run South 89 50'48" East, a distance of 85.21 feet to a point; thence run South 00 38'38" East, a distance of 355.06 feet to a point; said point being the point of the beginning.

Said tract being designated as proposed "Phase II" on that certain survey for A.B. Shopping Centers Properties, prepared by Carr & Associates Engineers, Inc., bearing the seal and certification of Barton F. Carr, registered professional land surveyor No 16685, dated November 25, 1994, last revised December 21, 1994.

  
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