

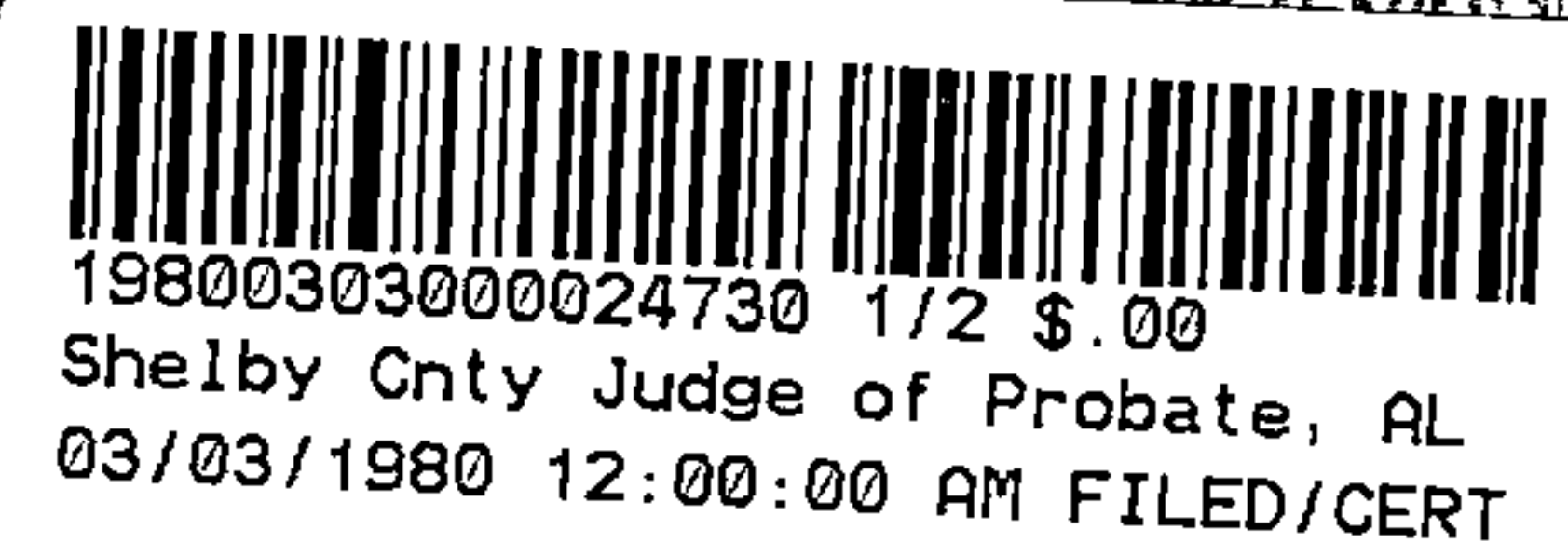
61
IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

GARRETT MASONRY, INC.,)

vs.)

) LIEN RECORDED -- BOOK 004
) PAGE 343
)

ROYE E. TINSLEY AND WIFE,)
PHYLLIS L. TINSLEY d/b/a)
BROOKE HOMES.)



MOTION TO SATISFY OF RECORD

MATERIALMAN'S LIEN

BOOK 35 PAGE 66
Comes now Roye E. Tinsley and wife, Phyllis L. Tinsley d/b/a Brooke Homes, and petitions this Court and the Probate Judge to satisfy of record the above-referred-to building materials lien, a copy of which is attached hereto and made a part hereof by reference. For grounds your Petitioners state as follows:

1. The lien itself asserts and states that the indebtedness was due and payable on the 9th day of August, 1979.
2. Code of Alabama Title 35-11-221, 1975, states that any action for the enforcement of the lien declared in this division must be commenced within six (6) months after the maturity of the entire indebtedness secured thereby, except as otherwise provided in this division.
3. Garrett Masonry, Inc., has failed to file within six months an action in Circuit or District Court to enforce the alleged lien.

WHEREFORE, PREMISES CONSIDERED, Roye E. Tinsley and wife, Phyllis L. Tinsley d/b/a Brooke Homes requests this Honorable Court to satisfy, of record, the building materials lien filed by Garrett Masonry, Inc., and recorded in Book 004 Page 343.

Respectfully submitted,

WILLIAM E. SWATEK
Attorney for Roye E. Tinsley and
Phyllis L. Tinsley d/b/a Brooke Home
3400 Highway 31 South
Pelham, AL 35124

(2)

ROYE E. TINSLEY

PHYLLIS L. TINSLEY

STATE OF ALABAMA
SHELBY COUNTY



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Shelby Cnty Judge of Probate, AL
03/03/1980 12:00:00 AM FILED/CERT

Before me, Carla Phillips, a Notary Public in and for said County and State, personally appeared ROYE E. TINSLEY and PHYLLIS L. TINSLEY, who being duly sworn, doth depose and say: That they have knowledge of the facts set forth in the foregoing Motion, that the same are true and correct to the best of their knowledge and belief.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS

1980 MAR -3 AM 10:15

JUDGE OF PROBATE

Rec. 300
Ind. 100
400

ROYE E. TINSLEY

PHYLLIS L. TINSLEY

Sworn to and subscribed before me this 11th day of February, 1980.

Notary Public