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6.00

ROBERT W. PAGE

V5.

CIVIL ACTION NO. 83-AR-1273-S

GARY E. SMITH, an individual, and PROPERTY UPKEEP, INC.

Certificate of Judgment

I, JAMES E. VANDEGRIFT, Clerk of the United States District Court for the Northern District of Alabama, do hereby certify that on the 23rd day of January, 1985, a judgment was rendered by said Court in the above-styled cause wherein ROBERT W. PAGE obtained against against GARY E. SMITH whose address is Property Upkeep, Inc., 8000 Smith Tower, Birmingham, Alabama 35203, the sum of TWELVE THOUSAND FIVE HUNDRED AND 00/100 (\$12,500.00) DOLLARS principal and SIX HUNDRED TWENTY FIVE AND 25/100 (\$625.25) DOLLARS interest at 6 percent per annum from March 28, 1984 when the sale of the convenience store was closed, and SEVEN THOUSAND FIVE HUNDRED AND 00/100 (\$7,500.00) DOLLARS punitive damages, or a total sum of TWENTY THOUSAND SIX HUNDRED TWENTY FIVE AND 25/100 (\$20,625.25) DOLLARS. Payment of the proceeds of this judgment shall be made directly to the attorneys-of-record for the Plaintiff, who, upon receipt thereof, shall satisfy said judgment upon the records of this Court; All other claims for relief by plaintiff are DENIED, but without prejudice to any rights which plaintiff may have incident to any subsequent settlement or dissolution of either of the limited partnerships herein involved; and costs are taxed against defendant, GARY E. SMITH.

It was further ORDERED on the fifth day of February, 1985, that the Court has for consideration the motion of plaintiff, ROBERT W. PAGE, to alter or amend the judgment entered by the Court on January 23, 1985, by adding to the judgment the sum of NISS, JOHNSTON, GARDNER, DUMAS & O'NEAL

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SEVEN THOUSAND FIVE HUNDRED AND 00/100 (\$7,500.00) DOLLARS, against defendant, GARY E. SMITH, the Court intended to subsume the magistrate's recommendation. The Court should have clearly expressed its intention in this regard in its Memorandum Opinion of January 23, 1985, and has now done so; Plaintiff's motion is GRANTED ONLY to the extent of the foregoing clarification. Otherwise it is DENIED.

David B. Anderson and William A. Ratliff, CABANISS, JOHNSTON, GARDNER, DUMAS & O'NEAL, are the Attorneys of Record for the Plaintiff, ROBERT W. PAGE, in said cause.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1986 FEB 26 AM 9:23

Rec. 500
100
600

WITNESS, My Hand and the Seal of
said Court, this the 28th day of
February, 1985.

JAMES E. VANDEGRIFT, CLERK

By:

Gene E. Bell
GENE E. BELL, Chief Deputy Clerk
United States District Court

STATE OF ALA. JEFFERSON CO.
BESSEMER DIV. I CERTIFY
THIS INSTRUMENT FILED ON

JAN 27 12 42 PM '86

Recorded & ...
Dead tax has been paid on this instrument.

O. H. ...
Judge of Probate

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STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON

1986 JAN 10 PM 2:46

RECORDED & ... MTG. TAX
& ... DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT

O. H. ...
JUDGE OF PROBATE

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C.O.