

EARNEST BOZEMAN D/B/A BOZEMAN
ROCK MASONRY

PLAINTIFF

VS:

EMMANUEL TEMPLE, An
unincorporated religious
society, et al

DEFENDANTS

) IN THE CIRCUIT COURT

) SHELBY COUNTY, ALABAMA

) CIVIL ACTION NO: CV 86-480

ENTRY OF DEFAULT AND FINAL DEFAULT JUDGMENT AND LIEN

The Court being presented with the Plaintiff's Application, Affidavit and Entry of Default and Default Judgment, along with Exhibits thereto, and the Court being of the opinion that the Plaintiff's said Application is due to be granted,

IT IS, ACCORDINGLY, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. Default is hereby entered against the Defendants, Emmanuel Temple, an unincorporated religious society, Frank Miller and Lewis McCarter, as Trustees of Emmanuel Temple, an unincorporated religious society, Emmanuel Temple Holiness Church, Incorporated, a non profit corporation, Robert Lee Ivey, Sr., as Trustee of Emmanuel Temple Holiness Church, Incorporated, a non-profit corporation, William J. Fitts, Sr., as Pastor of Emmanuel Temple Holiness Church, Incorporated, a non-profit corporation.

2. A judgment is hereby rendered in favor of the Plaintiff, Earnest Bozeman d/b/a Bozeman Rock Masonry, and against the Defendants, Emmanuel Temple, an unincorporated

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religious society, Frank Miller and Lewis McCarter, as Trustees of Emmanuel Temple, an unincorporated religious society, Emmanuel Temple Holiness Church, Incorporated, a non profit corporation, Robert Lee Ivey, Sr., as Trustee of Emmanuel Temple Holiness Church, Incorporated, a non-profit corporation, William J. Fitts, Sr., as Pastor of Emmanuel Temple Holiness Church, Incorporated, a non-profit corporation, in the sum of Twenty Two Thousand Nine Hundred One and 73/100 Dollars (\$22,901.73) plus interest at six percent (6%) from August 31, 1986.

3. A lien based upon the aforesaid judgment is hereby declared and entered in favor of the Plaintiff and against the said Defendants upon the following described real property:

BOOK 120 PAGE 252
A part of the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36, Township 20 South, Range 3 West, described as follows: Commencing at the SE corner of N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 and run South 89 degrees West 828.6 feet; thence run North 24 degrees 45 minutes West 399 feet to SE side of Alabaster-Harpersville Road to point of beginning; thence run North 39 degrees 30 minutes East along said road 65.0 feet; thence run South 24 degrees 45 minutes East 150.0 feet; thence run South 39 degrees 30 minutes West 65.0 feet; thence North 24 degrees 45 minutes West 150 feet to point of beginning, excepting highway right of way, being the same property heretofore conveyed to David Daniels and wife, Dilcey Daniels, to the Trustees of Emmanuel Temple, an unincorporated religious society, and their successors as such Trustees, by deed dated January 11, 1949, and recorded in Deed Book 137 at Page 210, Office of Judge of Probate of Shelby County, Alabama.

AND

A part of the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36, Township 20 South, Range 3 West, described as follows: Commencing at the SE corner of N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36 and run South 89 degrees West 828.6 feet; thence run North 24 degrees 45 minutes West 249 feet to the Southwest corner of the Emmanuel Temple Church property, as designated in the deed recorded in Deed Book 272 at page 518, Office of the Judge of Probate of Shelby County, Alabama, which is the point of

beginning of the parcel herein described; thence run Southwesterly, parallel with the Southeast line of the Alabaster-Harpersville Road (now known as the Simmsville Highway) a distance of 16 feet; thence run Northwesterly a distance of 150 feet, more or less, to a point on the Southeast side of said Alabaster-Harpersville Road which is 42 feet (measured along the Southeast side of said Alabaster-Harpersville Road) Southwest of the Northwest corner of said Emmanuel Temple Church property, as designated in said Deed Book 272 at page 518; run thence Northeasterly along the Southeast side of said Alabaster-Harpersville Road, a distance of 42 feet to said Northwest corner of said Emmanuel Temple Church property; run thence along the West or Southwest line of said Emmanuel Temple Church property a distance of 150 feet to the point of beginning.

In the event that the aforesaid judgment remains unpaid after thirty (30) days from this date, upon application by Plaintiff's counsel, the aforesaid real property shall be offered for sale by the Register of this Court, for satisfaction of the foregoing lien, in the manner as prescribed by the laws and statutes of the State of Alabama and any proceeds from the sale shall be first applied to the said judgment and costs of court, and any overplus shall be paid to the Defendants.

4. The Plaintiff is granted leave to proceed against any unserved, fictitious party Defendants.

5. The costs of this proceeding are taxed to the Defendants.

DONE AND ORDERED this the 6th day of March, 1987.

STATE OF ALABAMA, SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1987 MAR 18 AM 11:34

Thomas H. Henderson, Jr.
JUDGE OF PROBATE

Rec. 750
Ind. 100
850

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[Signature]
CIRCUIT JUDGE

FILED IN OFFICE THIS THE _____ DAY
OF MAR 13 1987, 1987

Kyle Lunsford

Circuit Clerk and Register
Shelby County, Alabama