

1176
BROWN LUMBER & BUILDING SUPPLY,
INC., a corporation,

Claimant,

vs.

FRIEDA N. BUSH a/k/a FRIEDA
BUSH, a singal woman, Owner;
ALTUS MORTGAGE CORPORATION,
an Alabama corporation,
Mortgagee; and, ALTUS BANK,
a Federal Savings Bank, as
Mortgagee's Assignee.

) STATE OF ALABAMA

) SHELBY COUNTY

VERIFIED STATEMENT OF LIEN

BROWN LUMBER & BUILDING SUPPLY, INC., a corporation, hereby files this statement in writing, verified by the oath of Andrew B. Brown, III, its Vice President, who has personal knowledge of the facts herein set forth:

That said BROWN LUMBER & BUILDING SUPPLY, INC. claims a material-man's lien upon and against the residential dwelling house, the land upon which said dwelling house is situated, and the remaining portion of the following described lot or parcel of land located in the City of Columbiana, Shelby County, Alabama:

167 MAR 933
A part of Lot 3, according to the survey of CLEARLYLAND SUBDIVISION, as recorded in Map Book 10, at Page 95, in the Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows: Beginning at the Southwest corner of Lot 3 of CLEARLYLAND SUBDIVISION, as recorded in Map Book 10, at Page 95, in the Office of the Judge of Probate of Shelby County, Alabama, said point being on the Easterly right-of-way line of Egg and Butter Road, and run thence in a Northeasterly direction along said right-of-way a distance of 200.00 feet to a point; thence turn an angle of 72 deg. 32 min. 00 sec. to the right and run in an Easterly direction a distance of 228.33 feet to a point; thence turn an angle of 107 deg. 28 min. 00 sec. to the right and run in a Southwesterly direction a distance of 200.00 feet to a point on the Southerly line of said Lot 3; thence turn an angle of 72 deg. 32 min. 00 sec. to the right and run in a Westerly direction along said Southerly line a distance of 228.33 feet to the point of beginning. Situated in Shelby County, Alabama, according to the survey dated September 8, 1987 by Joseph E. Conn, Jr., Registered Land Surveyor #9049.

This lien is claimed, separately and severally, as to both the residential dwelling house and improvements thereon and the said land.

This lien arises under and by virtue of the advance written notice furnished as provided in Section 35-11-210, 1975 Code of Alabama by Brown Lumber & Building Supply, Inc. to the owner Frieda N. Bush a/k/a Frieda Bush of the fact that materials would be furnished by Brown Lumber & Building Supply, Inc. to Carl David Carter a/k/a Carl Carter and Mitchell Lee Uptain a/k/a Mitch Uptain, individually, and as partners doing business as C&M Construction Company, a partnership,

as the contractor of Frieda N. Bush a/k/a Frieda Bush for construction of a residential dwelling house on the above described real property, to which notice said owner made no objection.

This full price lien is claimed to secure an indebtedness of \$7,016.15, including contractual interest at the rate of 1 1/2% per month as of December 22, 1987, plus a reasonable add-on attorney's fee in the amount of \$2,338.72, plus the interest due thereon after December 22, 1987 at the rate of 1 1/2% per month, for building materials and supplies sold and delivered by Brown Lumber & Building Supply, Inc. to said C&M Construction Company for construction of a residential dwelling house upon the above described real property. The aforesaid materials were sold and delivered during the period commencing on or about July 15, 1987 through on or about September 15, 1987, and were used in connection with the construction of said residential dwelling House on the above described real property.

The name of the owner or proprietor of said real property is Frieda N. Bush a/k/a Frieda Bush, a single woman, who obtained title to said real property by that certain deed dated March 26, 1987 and recorded on March 27, 1987 in Real Book 121, at Page 788, in the Office of the Judge of Probate of Shelby County, Alabama, which title Claimant contends is subject to its first lien. Said Frieda N. Bush executed and delivered a mortgage to Altus Mortgage Corporation, an Alabama corporation, dated and recorded on October 8, 1987 in Real Book 154, at Pages 502-508, in said Probate Records, which mortgage was transferred and assigned by said Mortgagee to Altus Bank, a Federal Savings Bank, by that certain instrument dated and recorded on October 8, 1987 in Real Book 154, at Page 509, in said Probate Records, which mortgage lien Claimant contends is subordinate to its lien.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT WAS FILED BROWN LUMBER & BUILDING SUPPLY, INC.

STATE OF ALABAMA)

88 JAN 18 PM 4:23

BY:

Andrew B. Brown III
Its Vice President

SHELBY COUNTY)

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Andrew B. Brown, III, who, being duly sworn doth depose and say: That he is Vice President of Brown Lumber & Building Supply, Inc. and that he has personal knowledge of the facts set forth in the foregoing statement of lien, and that the same are true and correct.

Andrew B. Brown III
Andrew B. Brown, III, Affiant

Sworn to and subscribed to before me this 18th day of January, 1988.

RECORDING FEES
Recording Fee \$5.00
Index Fee 2.00

Notary Public

BOOK 167 PAGE 934