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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
CHARLES T. CLIVER, CLERK

734
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FIDELITY & DEPOSIT COMPANY
OF MARYLAND, a Corporation,

PLAINTIFF,

VS:

BLACK CREEK CONSTRUCTION
COMPANY, INC., et al,

DEFENDANTS.

CIVIL ACTION NO:
86-G-0706-S

ENTERED

JAN - 6 1988

CONSENT JUDGMENT

Pursuant to the agreement of the parties, it is
ORDERED, ADJUDGED and DECREED:

1. Judgment be and the same is hereby entered
in favor of Plaintiff, FIDELITY & DEPOSIT COMPANY OF MARYLAND
(F&D), and against Defendants, BLACK CREEK CONSTRUCTION
COMPANY, INC. (Black Creek), DONALD E. COLLINS and DEBORAH J.
COLLINS, in the sum of \$170,000.00.

2. Execution is stayed on said judgment provided
Defendants pay to F&D the sum of \$10,000.00 per year beginning on
or before December 31, 1988 and in addition twenty percent (20%)
of the first \$50,000.00 net profit of Black Creek and fifty
percent (50%) of any sums above \$50,000.00 net profit. For the
purposes of determining net profit of Black Creek all income of
Donald E. Collins and Deborah J. Collins over and above
FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00) shall be added
to the net profit of Black Creek and the combined total and shall

BOOK 183 PAGE 732
London, Yancey & Elliott
1230 - Park Place Tower
B'ham Al. 25202

be the sum on which the twenty percent (20%) and fifty percent (50%) payments are computed.

Defendants shall furnish copies of their Income Tax Returns plus such other information reasonably required by Plaintiff for the purposes of computing or verifying payments hereunder. If Defendants default in making payments hereunder execution shall issue on Affidavit executed by F&D to the effect that a default has occurred. Each party shall bear its own cost.

DONE THIS 6th day of January, 1988

J. Foy Guin
UNITED STATES DISTRICT JUDGE

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CONSENTED TO AND APPROVED
THIS 16th DAY OF DECEMBER
1987.

FIDELITY & DEPOSIT COMPANY
OF MARYLAND

BY: Thomas R. Elliott

BLACK CREEK CONSTRUCTION
COMPANY, INC.

BY: Donald E. Collins, Pres.

Donald E. Collins
Donald E. Collins

Deborah J. Collins
Deborah J. Collins

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

88 MAY 10 AM 11:36

Thomas A. Shivers, Jr.
JUDGE OF PROBATE

A TRUE COPY
CHARLES T. CLIVER, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
BY: Tom Cliver
DEPUTY CLERK