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880

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR SHELBY COUNTY, ALABAMA

TRANSAMERICA-PREMIER INSURANCE :  
COMPANY, :

Plaintiff, :

v. : CASE NO. CV-87-336

RUTHERFORD CONSTRUCTION COMPANY, :  
an Alabama Partnership, and :  
BOBBY F. RUTHERFORD, WILLODEAN C. :  
RUTHERFORD, RICHEY C. RUTHERFORD, :  
and JANICE H. RUTHERFORD, :  
Individuals, :

Defendants, :

and :

FIREMAN'S FUND INSURANCE COMPANY, :

Plaintiff, :

v. : CASE NO. CV-88-101

RUTHERFORD CONSTRUCTION COMPANY, :  
an Alabama Partnership, and :  
BOBBY F. RUTHERFORD, WILLODEAN C. :  
RUTHERFORD, RICHEY C. RUTHERFORD, :  
and JANICE H. RUTHERFORD, :  
Individuals, :

Defendants. :

ORDER

Plaintiffs Transamerica-Premier Insurance Company and Fireman's Fund Insurance Company's Motion for Summary Judgment having come before this Court, it is hereby

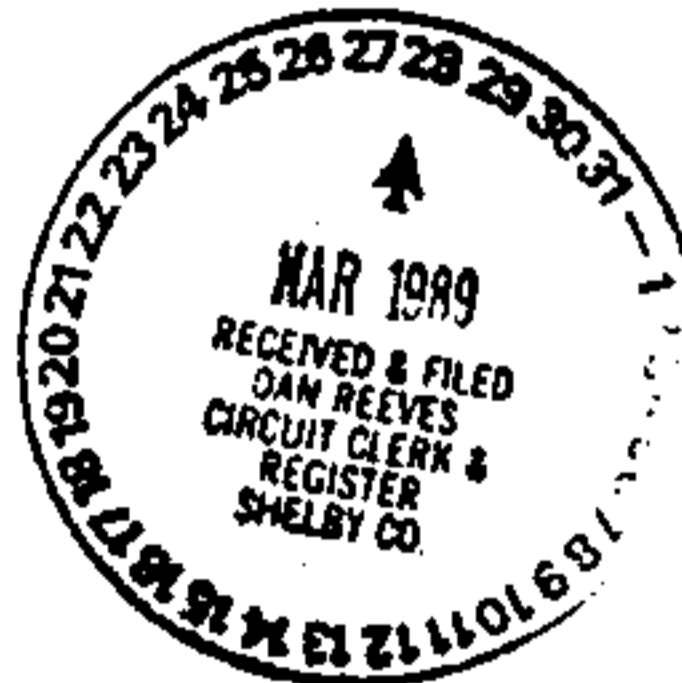
ORDERED, that the Motion for Summary Judgment of both Transamerica-Premier Insurance Company and Fireman's Fund Insurance Company is hereby granted;

Transamerica-Premier Insurance Company shall have and recover from Defendants Richey C. Rutherford and Janice H. Rutherford, the principal sum of \$294,337.72;

PRITCHARD, MCCALL & JONES

ATTORNEYS AT LAW

801 BROWN MARX TOWER  
2000 FIRST AVENUE NORTH



*[Handwritten signature]*

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IT IS FURTHER ORDERED and ADJUDGED that Transamerica-Premier Insurance Company shall have and recover pre-judgment interest at a rate of 8% from Defendants Janice H. Rutherford and Richey C. Rutherford;

IT IS FURTHER ORDERED and ADJUDGED that Transamerica-Premier Insurance Company shall have and recover from Defendants Richey C. Rutherford and Janice H. Rutherford post-judgment interest from the date of this Order at a rate of 12% per annum until such time as the judgment is satisfied;

IT IS FURTHER ORDERED and ADJUDGED that Plaintiff Fireman's Fund Insurance Company shall have and recover from Defendants Richey C. Rutherford and Janice H. Rutherford the principal sum of \$99,821.33;

IT IS FURTHER ORDERED and ADJUDGED that Plaintiff Fireman's Fund Insurance Company shall have and recover from Defendants Richey C. Rutherford and Janice H. Rutherford pre-judgment interest at a rate of 8% per annum;

IT IS FURTHER ORDERED and ADJUDGED that Plaintiff Fireman's Fund Insurance Company shall have and recover from Defendants Richey C. Rutherford and Janice H. Rutherford post-judgment interest from the date of this judgment at a rate of 12% per annum until such time as the judgment is satisfied;

IT IS FURTHER ORDERED and ADJUDGED that Plaintiffs Transamerica-Premier Insurance Company and Fireman's Fund Insurance Company shall have and recover from Defendants Richey C. Rutherford and Janice H. Rutherford the total sum of \$30,000.00 representing attorney's fees in connection with this matter. Costs of Court accrued herein are taxed against said Defendants

This 23rd day of March, 1989.

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

89 APR 19 AM 8:48

*Thomas W. Snowden, Jr.*  
JUDGE OF PROBATE

*A. Al Crowson*  
Judge Al Crowson

RECORDING FEES  
Recording Fee \$ 5.00  
Index Fee 6.00