IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SEP 1990

SEP 1990

RECEIVED & FILED

ON RETVES

SHELBY CO.

SHELBY CO.

SHELBY CO.

SOUTHTRUST BANK OF ALABAMA, N.A.,

PLAINTIFF,

٧Ş.

CASE NO. CY-90-252

J. STÉVEN WARD, and WARD'S, INC.

DEFENDANT.

## ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

This cause coming on to be heard in open Court on plaintiff's Motion for Summary Judgment. The motion is based on the pleadings, and the affidavit of David Nolen, Assistant Vice-President of SouthTrust Bank of Alabama, N.A., and the affidavit of George R. Stuart, III, a practicing attorney in Jefferson County, Alabama. The defendants have not filed anything in opposition to plaintiff's motion. However, it has been made known to the court, that the individual defendant, J. Steven Ward has filed a petition in the United States Bankruptcy Court under Chapter 7, of the Bankruptcy Code.

The evidence in this case having been considered by the court, the court finds that there is no genuine issue as to any material fact, it is Ordered and Adjudged by the Court that the plaintiff is entitled to a judgment in its favor and against the corporate defendant, Ward's Inc., as a matter of law.

It is further Ordered and Adjudged that the plaintiff is entitled to recover from the defendant, Ward's Inc., the sum of \$61,836.66 which is comprised of \$40,006.00 principal, \$6,371.50 interest, and \$15,459.16 in attorney's fees.

The costs are taxed against the defendant.

DONE and ORDERED this 7th day of September 1990.

STATE OF ALA. SHELBY CO.
TI CERTIFY THIS
HISTRUMENT WAS FILED

JUDGE OF PROBATE

HONORABLE JAMES H. FAULKNER RETIRED JUSTICE, ACTING CIRCUIT JUDGE

Faul Spina 5 luit 200