

ALBERT DAUGHERTY and JOHN
DAUGHERTY, D/B/A DAUGHERTY
ASSOCIATES, AN ALABAMA GENERAL
PARTNERSHIP,
PLAINTIFFS

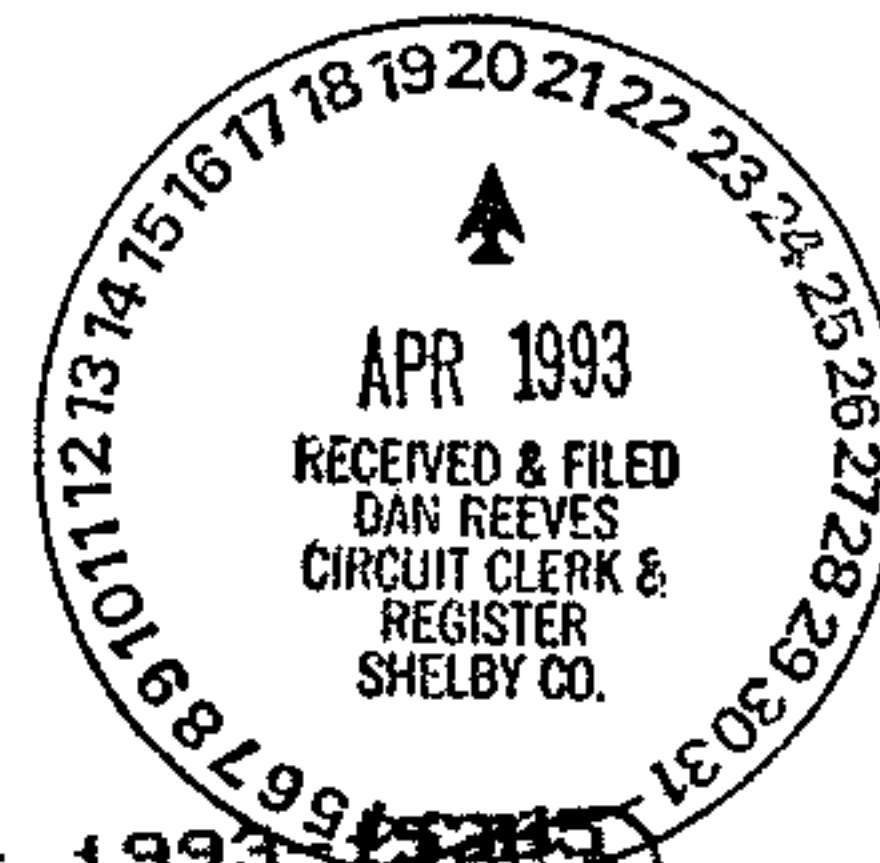
VS

JOE RESTER, AN INDIVIDUAL, and
SOUTHERN POWER, INC., AN
ALABAMA CORPORATION,
DEFENDANT/COUNTER-PLAINTIFFS

VS

ALBERT DAUGHERTY and JOHN
DAUGHERTY, D/B/A DAUGHERTY
ASSOCIATES, AN ALABAMA GENERAL
PARTNERSHIP,
COUNTER-DEFENDANTS

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CIVIL ACTION NUMBER
CV-92-889



Inst # 1993-15365

05/27/1993-15365
01:42 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
DB2 HCR 9.00

ORDER

The Motion for Summary Judgment and for Order Allowing Funds To Be Paid filed by the Defendants/Counter-Plaintiffs, Joe Rester and Southern Power, Inc., on March 10, 1993, came on and was heard before the undersigned Judge on April 7, 1993.

After having heard argument of the Defendants/Counter-Plaintiffs in connection therewith and after due consideration thereof, said Motion for Summary Judgment filed by said Defendants/Counter-Plaintiffs and for Order Allowing Funds To Be Paid is GRANTED. It is noted by the Court that the parties agree that the Plaintiffs were never in possession of the property subject of this cause. Therefore, Defendant/Counter-Plaintiffs shall, by order of this Court, be allowed to deposit with the Judge of Probate of Shelby County, the sum of \$11,735.20, which represents the amount of money for which the lands in question were

Rietman, Legal
600 No. 20th St, Suite 400
D'ham, AL 35203

sold to the Plaintiffs, with interest thereon at the rate of twelve percent (12%) per annum from the date of sale to April 16, 1993, together with the amount of all taxes which have been paid by the purchaser, which fact shall be ascertained by consulting the records in the office of the tax collector or other tax collecting official, with interest on said payment at twelve percent (12%) per annum, from the date paid to April 16, 1993, plus \$.50 to the Probate Judge for his services in the redemption pursuant to Alabama Code § 40-10-122 (1975).

Further, the Plaintiffs, upon payment by the Defendants/Counter-Plaintiffs of the amount above-described to the Probate Judge of Shelby County, shall deliver to Defendants/Counter-Plaintiffs a quit claim deed on the property in question in this action and warrant that the Plaintiffs have in no way conveyed, pledged or mortgaged or in any way encumbered said property. By this Order, upon payment of the above-described funds to the Judge of Probate of Shelby County, Defendants/Counter-Plaintiffs are entitled to fully redeem said property pursuant to Alabama Code §§ 40-10-120 and 40-10-122 (1975).

Plaintiffs' Motion for Summary Judgment is hereby DENIED.

Costs of Court are taxed to the party who incurred same.

DONE and ORDERED this 19th day of April, 1993.

D. Al Crowson
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Circuit Judge
Inst # 1993-15365

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SHELBY COUNTY JUDGE OF PROBATE
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