

THE PROBATE COURT FOR SHELBY COUNTY, ALABAMA

ABDUL ADIL RASHEED,

Plaintiff,

vs.

CHARLES & VINZANT CONSTRUCTION
COMPANY,

Respondent.

CASE NO: _____

Inst # 1994-04527

02/10/1994-04527

09:02 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
012 HCD 36.00

PETITION FOR TRANSFER OF LIEN

Pursuant to §35-11-233, Code of Alabama (1975), as amended, Charles & Vinzant Construction Company petitions the Court to transfer a lien on real property to other security and, in support thereof, shows unto the Court as follows:

1. Plaintiff has filed and recorded a mechanic's/materialman's lien in the amount of \$6,695.00, plus interest from December 1, 1993, as Instrument #1993-38204, in the office of the Judge of Probate of Shelby County, Alabama, a copy of which is attached hereto as Exhibit A.

2. Respondent is the general contractor for the project from which the claim of lien by Plaintiff arose (it being the claim of Plaintiff that he furnished labor to Jackson Masonry, a subcontractor of Respondent).

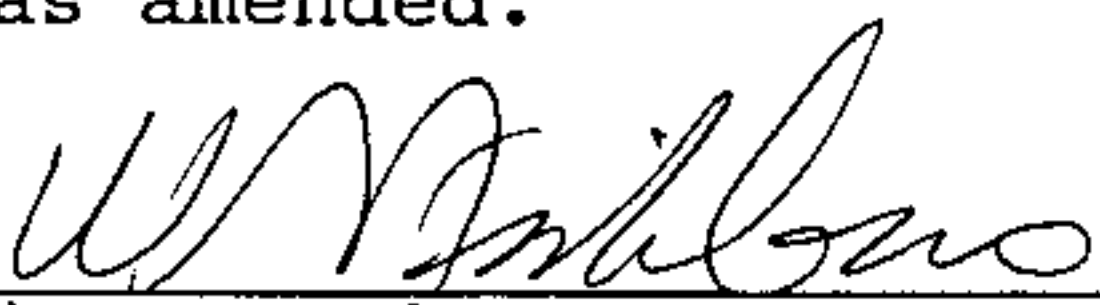
3. Respondent files with this Court by Exhibit B attached hereto, a bond conditioned to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such

Sadler Sullivan
420 N. 20th ST.
2500 SouthTrust Tower
Birmingham, AL. 35203

claim of lien was recorded, interest at the rate of 8% for three years, and cost not to exceed \$100.00. Said bond is executed by said Respondent as principal and by United States Fidelity and Guaranty Company, a surety insurer licensed to do business in the State of Alabama, as surety. Said bond is in an amount equal to the amount demanded in said claim of lien, plus interest thereon at 8% per year for three years plus \$100.00 to apply on any court cost which may be taxed in any proceeding to enforce said lien. A copy of the lien is attached to the Bond as Exhibit One thereto.

WHEREFORE, the above premises considered, Respondent petitions this Court to make and record a certificate showing the transfer of the lien from the real property to the attached security and to cause a copy thereof to be mailed by Registered or Certified Mail to the lienor named in the claim of lien so transferred at the address stated therein, all as mandated by §35-11-233, Code of Alabama (1975), as amended.

Oral argument is not requested on this motion as the court is required pursuant to law to forthwith make and record the certificate requested subject to the notice requirements of §35-11-233, Code of Alabama (1975), as amended.



William S. Fishburne, III
Attorney for Respondent, Charles
& Vinzant Construction Company

OF COUNSEL:

Sadler, Sullivan, Herring & Sharp, P.C.
2500 SouthTrust Tower
Birmingham, Alabama 35203
(205) 326-4166

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing pleading on Plaintiff as follows by placing same in the U.S. mail, properly addressed and first class postage prepaid:

Mr. Abdul Adil Rasheed
254 Ruby Lane
Hardaway, Alabama 36039

This the 21st day of January, 1994.



OF COUNSEL

RECEIVED

Exhibit A

STATE OF ALABAMA }
SHELBY COUNTY }

DEC - 3 1993

CHARLES & VAUGHN CONSTR. CO.

Inst # 1993-38204

12/01/1993-38204

12:29 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

13.50

VERIFIED STATEMENT OF LIEN

NOW COMES Abdul Adil Rasheed, a supervisor of Jackson Masonry, and files this statement in writing, verified by the oath of Abdul Adil Rasheed, supervisor, who has personal knowledge of the facts set forth herein:

That Abdul Adil Rasheed, claims a lien upon the following property situated in Shelby County, Alabama, to-wit:

E F V PROPERTIES, LTD
500 Southland Drive
Suite 102
Birmingham, Ala. 35226
(See attached legal description)

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

That the said lien is claimed to secure and indebtedness of \$6695.00, plus interest, expense and filing fees, from, to-wit, the 1st day of December, 1993, for labor furnished to build on said real property.

our inventory name
Handwriting, Ala. 36039

The name of the owner or proprietor of the aforesaid property is EFV PROPERTIES, LTD

ABDUL ADIL RASHEED

By Abdul Adil Rasheed.

STATE OF ALABAMA }
SHELBY COUNTY }

Before me, a Notary Public in and for said County in said State, personally appeared ~~Abdul~~ Abdul Adil Rasheed, a supervisor of Jackson Masonry, and he, being duly sworn, does depose and say that he has personal knowledge of the facts set forth in the foregoing Verified Statement of Lien, and that the same are true and correct, to the best of his knowledge and belief

ABDUL ADIL RASHEED

By Abdul Adil Rasheed

Sworn to and subscribed before me this 1 day of Dec., 1993.

my commission expires

3.21.94
Opheelia R. Hyatt

Exhibit A
to
WARRANTY DEED
FEB Properties to EFV Properties, Ltd.

A parcel of land located in Section 2, Township 21 South,
Range 3 West, more particularly described as follows:

Begin at the intersection of the South right of way line
of 6th Avenue Southwest and the Easterly right of way
line of the L & N Railroad; thence run Southwesterly
along said railroad right of way line, a distance of
603.00 feet; thence 88 deg. 37 min. left, in a
southeasterly direction, a distance of 257.00 feet;
thence 90 deg. right, in a Southwesterly direction, a
distance of 15.00 feet; thence 90 deg. 04 min. 19 sec.
left, in a Southeasterly direction, a distance of 187.28
feet to a point on the Northwestern right of way line of
Alabama Highway No. 119, said point being on a curve,
having a radius of 1352.49 feet; thence 70 deg. 11 min.
08 sec. left to tangent of said curve, in a northeasterly
direction along the arc of said curve to the right and
along said right of way line, a distance of 259.97 feet
to end of said curve; thence 13 deg. 40 min. 48 sec.
right from tangent of said curve, in a Northeasterly
direction along said right of way line, a distance of
119.83 feet; thence 89 deg. 06 min. 48 sec. left, in a
Northeasterly direction, a distance of 328.80 feet;
thence 22 deg. 08 min. right, in a Northerly direction,
a distance of 219.24 feet to a point on said South right
of way line of 6th Avenue Southwest; thence 89 deg. 48
min. left, in a Westerly direction along said South right
of way line, a distance of 365.68 feet to the point of
beginning; being situated in Shelby County, Alabama,

*except for portion of land sold to State of Alabama
highway Department*

Exhibit B

BOND NUMBER: 06-0160-10129-94-0

BOND FOR TRANSFER OF LIEN

(Pursuant to Code of Alabama (1975) §35-11-233)

KNOW ALL MEN BY THESE PRESENTS, that Charles & Vinzant Construction Company, as principal, and United States Fidelity and Guaranty Company, as surety, are held and firmly bound unto Abdul Adil Rasheed in the sum of \$6,695.00 plus interest thereon at eight percent (8%) per year for three years plus costs not to exceed \$100.00, to be paid to Abdul Adil Rasheed, his successors or assigns, to which payment well and truly to be made, the parties hereto bind themselves, their successors and assigns, jointly and severally, firmly by these presents.

Charles & Vinzant Construction Company is a contractor for the work from which the claim of lien by Abdul Adil Rasheed, as a laborer of Jackson Masonry, arose and Charles & Vinzant Construction Company therefore has an interest with respect to the contract under which the lien is claimed.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed in the name of each of them and their seals to be hereto attached this 20th day of January, 1994.

The condition of the above obligation is such that if the said principal and surety shall pay any judgment or decree that may be rendered for the satisfaction of the lien for which claim

of lien was recorded in the Office of the Probate Judge, Shelby County, Alabama as Instrument #1993-38204, a copy of which claim is attached hereto as Exhibit One and costs not to exceed \$100.00, this obligation shall be void and of no effect, but otherwise to remain in full force and effect.

(Seal)



Witness

CHARLES & VINZANT CONSTRUCTION
COMPANY

By: 
Its: Partner

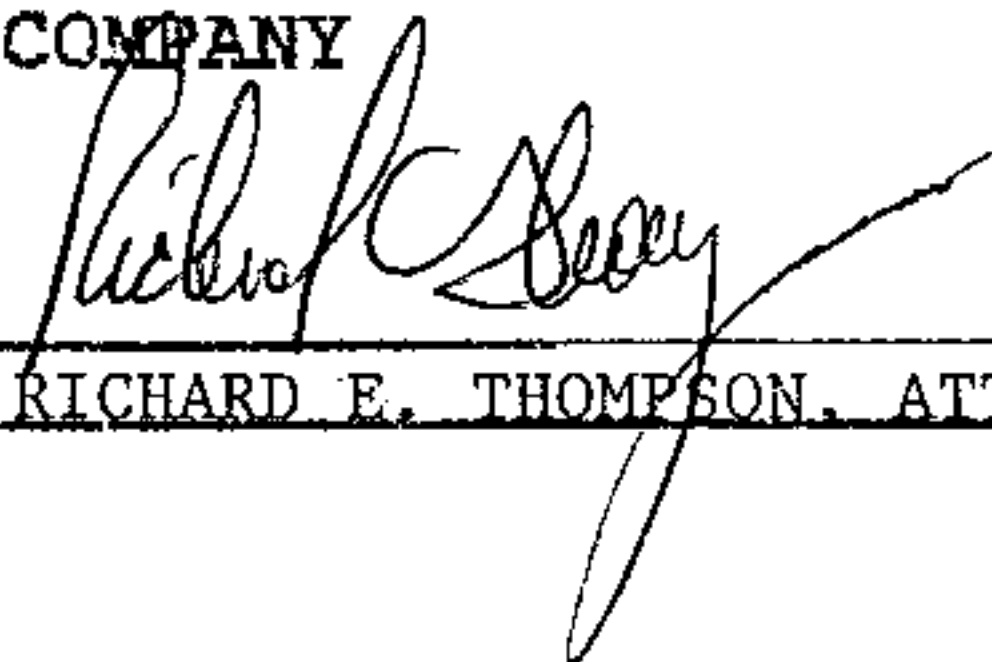
(Seal)



Witness

29400

UNITED STATES FIDELITY AND
GUARANTY COMPANY

By: 
Its: RICHARD E. THOMPSON, ATTORNEY-IN-FACT

UNITED STATES FIDELITY AND GUARANTY COMPANY

POWER OF ATTORNEY

NO. 106610



KNOW ALL MEN BY THESE PRESENTS: That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint Patton Bradford, Jr. Barbara Sue Garren, John F. Wood, Richard E. Thompson, Alvin B. Bresler, R. J. Meshad and James W. Mosley

of the City of Birmingham, State of Alabama

its true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons; guaranteeing the performance of contracts; and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Senior Vice President and Assistant Secretary, this 22nd day of January, A.D. 19 93.

UNITED STATES FIDELITY AND GUARANTY COMPANY

(Signed) By... *Robert J. Lamendola*

Senior Vice President

(Signed) By... *Paul D. Sims*

Assistant Secretary

STATE OF MARYLAND)

SS:

BALTIMORE CITY)

On this 22nd day of January, A.D. 19 93, before me personally came Robert J. Lamendola, Senior Vice President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and Paul D. Sims, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Robert J. Lamendola and Paul D. Sims were respectively the Senior Vice President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Senior Vice President and Assistant Secretary, respectively, of the Company.

My Commission expires the 11th day of March, A.D. 19 95.

(Signed) *Angela P. Fabian*

NOTARY PUBLIC

This Power of Attorney is granted under and by authority of the following Resolutions adopted by the Board of Directors of the UNITED STATES FIDELITY AND GUARANTY COMPANY on September 24, 1992:

RESOLVED, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by persons or entities appointed as Attorney(s)-in-Fact pursuant to a Power of Attorney issued in accordance with these resolutions. Said Power(s) of Attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or an Executive Vice President, or a Senior Vice President, or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the foregoing officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and, unless subsequently revoked and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached.

RESOLVED, that Attorney(s)-in-Fact shall have the power and authority, unless subsequently revoked and, in any case, subject to the terms and limitations of the Power of Attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary of the Company.

I, Paul D. Sims, an Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY, do hereby certify that the foregoing is a true excerpt from the Resolution of the said Company as adopted by its Board of Directors on September 24, 1992 and that this Resolution is in full force and effect.

I, the undersigned Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY do hereby certify that the foregoing Power of Attorney is in full force and effect and has not been revoked.

In Testimony Whereof, I have hereunto set my hand and the seal of the UNITED STATES FIDELITY AND GUARANTY COMPANY on this 20 day of JANUARY, 19 94.



Assistant Secretary

RECEIVED

Exhibit One

DEC - 3 1993

STATE OF ALABAMA }
SHELBY COUNTY }

CHARLES W. MONTGOMERY CO.

Inst # 1993-38204

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254 Ruby Lane
Huntsville, Ala. 36039

The name of the owner or proprietor of the aforesaid property is EFV PROPERTIES, LTD

ABDUL ADIL RASHEED

By Abdul Adil Rasheed

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SHELBY COUNTY }

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