

STATE OF ALABAMA  
SHELBY COUNTY

Inst # 1995-10287

04/20/1995-10287  
10:57 AM CERTIFIED

AFFIDAVIT OF OSMOND ROBINSON  
SHELBY COUNTY JUDGE OF PROBATE  
16.00

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared Osmond Robinson, who, after being by me first duly sworn, deposes and says as follows:

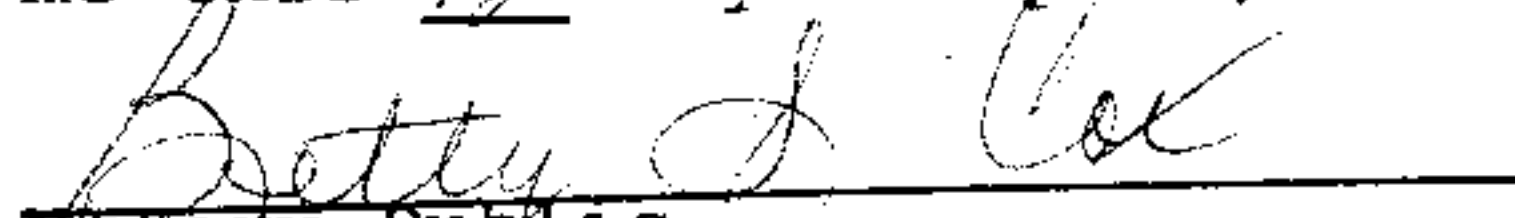
My name is Osmond Robinson, and I am the owner and president of Robinson, Inc. My company was the general contractor for certain construction work occurring on property of Hubert H. Shirey, Hilton H. Shirey, and Arthur Davis. During the course of said construction, Robinson, Inc. hired a sub-contractor, Professional Management and Construction Company, which did certain work on the property. Professional Management and Construction Company was paid for its work, and signed a Waiver and Release of Lien dated July 15, 1994, a copy of which is attached hereto as Exhibit "A", and a Waiver of and Release of Lien dated July 29, 1994, a copy of which is attached hereto as Exhibit "B". Nonetheless, Professional Management and Construction Company thereafter filed a Statement of Lien, attempting to encumber said property, which is recorded as Instrument No. 1994-26060, in the Probate Office of Shelby County, Alabama. Said Statement of Lien was recorded on August 22, 1994, and a copy is attached hereto as Exhibit "C".

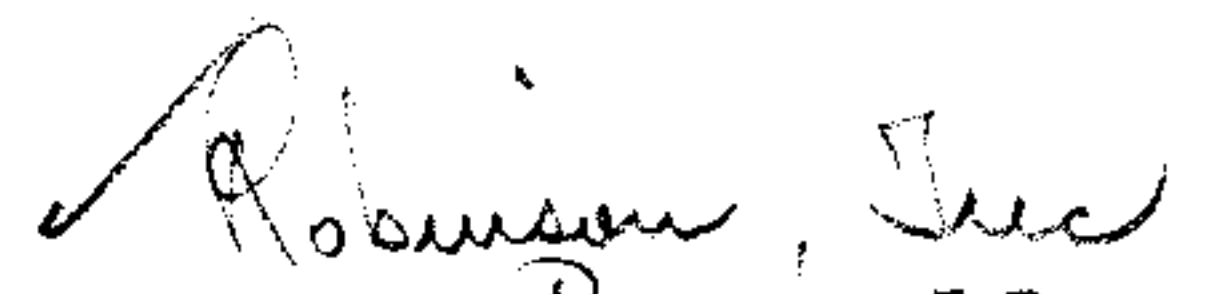
No money is owed Professional Management and Construction Company for work related to this project. In addition to the fact that no money is owed, as evidenced by the Waiver and Release of Lien documents, the lien is not valid due to the failure of Professional Management and Construction Company to comply with the statutory requirements for filing and perfecting liens. As required by Sections 35-11-220 through 222, Professional Management and Construction Company was required to file a lawsuit in the Circuit Court of Shelby County within six months from the date the alleged debt would have been due and payable, which would have been before August 22, 1994. Approximately seven and one-half months have now passed since said date, and no lawsuit has been filed, and hence the purported lien has been lost. No lawsuit has been filed, and a review of the Circuit Court records will confirm such. Consequently, there is no valid lien against the said property, as described on the aforementioned Statement of Lien.

This the 12 day of April, 1995.

  
Osmond Robinson

Sworn to and subscribed before  
me this 12 day of April, 1995.

  
Notary Public

  
Robinson, Inc.  
P.O. Box 1673  
Alabaster, AL  
35007

Inst # 1995-10287

Exhibit "A"

WAIVER AND RELEASE OF LIEN

#1  
WHEREAS, the undersigned Professional Management Const  
has furnished to Robinson Inc. the following:  
labor (building erection) for use in the construction of  
kind of material and services furnished  
Mini Warehouses located at Calera, Ala.  
Project Address

NOW, THEREFORE, the undersigned Professional Management Const  
Sub-Contractor  
for and in consideration of \$ 2,000<sup>00</sup> and other good and valuable  
consideration, the receipt of whereof is hereby acknowledged, do(es)  
hereby waive and release any and all liens, or right to claim of lien,  
on the above described project and premises, under the law, common or  
statutory, on account of labor or materials, or both, heretofore of  
hereafter furnished by the undersigned to or for the account of said  
Robinson Inc. for said project. In addition  
contractor

Professional Management Const hereby certifies that all vendors  
materialman or sub-contractor

subcontractors, or suppliers of labor or material, or both, have been  
fully paid for all work performed or material supplied prior to the  
date of this Waiver and Release of Lien.

Given under my (our) hand(s) and seal(s) this 15<sup>th</sup> day of July  
1994.

Professional Management & Construction Co  
Name of Materialman or Subcontractor

BY: Bobby J. B.

President, Vice President, Partner or Owner, or is signed by other  
than one of the foregoing, accompanied by Power of Attorney signed  
by one of the foregoing in favor of the signer. (Use designation  
applicable).

Exhibit "B"

WAIVER AND RELEASE OF LIEN

WHEREAS, the undersigned Professional Management & Construction Co.

has furnished to Robinson Inc. General Contractors the following:

labor (building erection) for use in the construction of  
kind of material and services furnished

Mini Warehouses located at Calera, Alabama  
Project Address

NOW, THEREFORE, the undersigned Professional Management & Construction Co.  
Sub-Contractor

for and in consideration of \$2,000.00 and other good and valuable  
consideration, the receipt of whereof is hereby acknowledged, do(es)  
hereby waive and release any and all liens, or right to claim of lien,  
on the above described project and premises, under the law, common or  
statutory, on account of labor or materials, or both, heretofore of  
hereafter furnished by the undersigned to or for the account of said  
Robinson Inc. General Contractors for said project. In addition  
contractor

Professional Management & Construction Co. hereby certifies that all vendors  
materialman or sub-contractor

subcontractors, or suppliers of labor or material, or both, have been  
fully paid for all work performed or material supplied prior to the  
date of this Waiver and Release of Lien.

Given under my (our) hand(s) and seal(s) this 29th day of July  
19 94.

[Signature]  
Name of Materialman or Subcontractor

BY: [Signature]

President, Vice President, Partner or Owner, or is signed by other  
than one of the foregoing, accompanied by Power of Attorney signed  
by one of the foregoing in favor of the signer. (Use designation  
applicable).

Post-It™ brand fax transmittal memo 7671	
To	Tom Bailey
From	Osmond Robinson
Co.	
Dept.	
Phone #	
Fax #	
# of pages 1	

8-18-94

State of Alabama )

Shelby County )

## STATEMENT OF LIEN

Professional Management & Construction Co., files this statement in writing, verified by the oath of Howard T. Lollar, who has personal knowledge of the facts set forth herein:

That Professional Management & Construction Co. claims a lien upon the following property situated in Shelby County, Alabama, to wit: \_\_\_\_\_  
Parcel I.D. Number 28-5-21-4-401-009. Further described as  
DUNSTANS LOT 7-8 BLK 6 SEC 21, T22S R2W DD100X142 BEAT 3  
DB 309 P 418 8/21/75, RB45 P573 10/10/85  
RB 301 PG334 7/10/90 RB339 PG461, 4/5/91

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

That the said lien is claimed to secure an indebtedness of \$2,800.00 plus court costs, interest and attorney's fees from, to-wit, the 22nd day of August, 1994, for work, labor and/or materials furnished for the improvement on said real property.

The names of the owner/proprietor of the aforesaid property is:  
Hubert H. Shirley, and Milton H. Shirley and Arthur Davis

By

Howard T. Lollar

General Manager

Inst # 1994-26060

State of Alabama )

Jefferson County )

08/22/1994-26060  
 02:56 PM CERTIFIED  
 SHELBY COUNTY JUDGE OF PROBATE  
 001 MCD 8.50

Before me, a Notary Public in and for said county, in said state, personally appeared Howard T. Lollar, who, being 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.

SWORN TO and SUBSCRIBED

Before me this 22nd day  
 of August 1994.

Notary

My Commission Expires

MY COMMISSION EXPIRES FEBRUARY 25, 1995

Loyle B. Zuck

Return To  
 Professional Management & Construction Co.  
 3920 3rd Ave. So. Ste 209  
 Birmingham, AL 35222

Inst # 1995-10287

Inst # 1994-26060

04/20/1995-10287

10:57 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

004 MCD

tk me