

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

**BROOK HIGHLAND COMMON
PROPERTY ASSOCIATION, INC.,**

Lienor,

v.

**BROOK HIGHLAND LIMITED
PARTNERSHIP,**

Lienee.

Inst # 1995-29355

**10/16/1995-29355
09:46 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 16.00**

STATEMENT OF LIEN

Please take notice that Brook Highland Common Property Association, Inc., (the "Association"), pursuant to Ala. Code § 35-8-16 & 17 and Ala. Code § 35-8A-316, hereby files of record its verified claim of lien against the property described herein. The lien is asserted in accordance with the Brook Highland Common Property Declaration of Covenants, Conditions, and Restrictions [hereinafter the "Declarations"], dated August 29, 1990, recorded at real 307 page 950 in the Probate Office of Shelby County, Alabama.

1. The Association claims a lien against the following properties:

- (1) Lot 1, according to the survey of Brook Highland Plaza, as recorded in Map Book 16 page 102 of the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. [hereinafter "Lot 1"]
- (2) Lot 2, according to the survey of Brook Highland Plaza, as recorded in Map Book 16 page 102 of the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. [hereinafter "Lot 2"]

- (3) Less and excluding that portion of the above Lot 1 and/or Lot 2 that was conveyed to Aussie Realty Partners, L.L.C. and/or to Developers Diversified Realty Corporation.

2. The lien is claimed separately and severally on the real property and on all fixtures, structures, and improvements.

3. The lien is to secure indebtedness in the principal amount of \$1,593.03 which was due on October 1, 1995 for unpaid assessments plus interest and reasonable costs of collection, including attorneys' fees, all as provided by the Declarations, less and except credit for partial payment in the amount of \$1,036.68 received on October 12, 1995. All unpaid assessments were charged properly in the manner and for the purposes authorized by the Declarations.

4. The owner(s) of the above described realty is(are) Brook Highland Limited Partnership, a Georgia limited partnership, which has its address at 1900 International Park Drive, Suite 303, Birmingham, Alabama 35243, and its partners.

PREMISES CONSIDERED, the Association requests that this lien statement be filed in the Probate Office of Shelby County, Alabama.

VERIFICATION

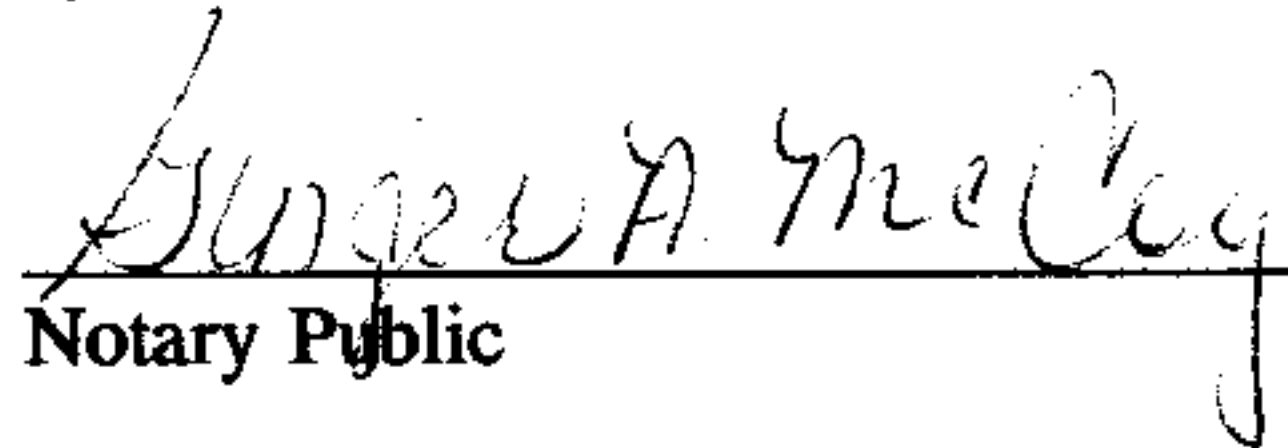
STATE OF ALABAMA)
)
COUNTY OF SHELBY)

Susan E. Carr, being first duly sworn, on oath deposes and says that she is the Regional Director, Asset Management of Daniel Corporation, which is acting as an agent of the Brook Highland Common Property Association; that she has read the foregoing Statement of Lien and knows the contents thereof; that all matters stated in the foregoing Statement of Lien are not within her personal knowledge but that she has relied upon other persons and documents with respect to certain information; that she reserves the right to amend the information contained in the Statement of Lien based upon the discovery of additional information; and that subject to the limitations set forth herein, the facts set forth in the Statement of Lien are true to the best of her knowledge, information and belief.



Susan E. Carr

Subscribed and sworn to before me this
16th day of October, 1995.



Notary Public

My Commission Expires: MY COMMISSION EXPIRES AUGUST 2, 1996

[NOTARIAL SEAL]



E. Glenn Waldrop, Jr.

Stephanie K. Womack

Attorneys for Brook Highland Common
Property Association

OF COUNSEL:

✓ Lightfoot, Franklin & White, L.L.C.
300 Financial Center
505 North 20th Street
Birmingham, Alabama 35203
(205) 581-0700

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following by placing a copy of the same in the United States mail postage prepaid, on this the ____ day of October, 1995:

W. Ernest Moss
Brook Highland Limited Partnership
1900 International Park Drive
Birmingham, Alabama 35243

Ronald L. Carlson
A.B. Shopping Center Properties, Inc.
1900 International Park Drive, Suite 303
Birmingham, AL 35243

OF COUNSEL

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