

ALABAMA JUDICIAL DATA CENTER
JEFFERSON COUNTY
CERTIFICATE OF JUDGEMENTCV 95 002227.00
DRAYTON N. JAMES

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

AWAD CONSTRUCTION CO INC VS RANDALL W CASH ET AL

DEFENDANT

CASH RANDALL W
% SCOTT DAVIS
2000 A SOUTHBRIDGE PKWY
BHAM , AL 35209-0000

PARTY'S ATTORNEY:

DAVIS, BRYCE S
2000A SOUTHBRIDGE PARKWAY
SUITE 201
BIRMINGHAM , AL 35209

I, POLLY CONRADI (CV) , CLERK OF THE ABOVE NAMED COURT HEREBY
CERTIFY THAT ON 11/21/95 PLAINTIFF, AWAD CONSTRUCTION CO INC RECOVERED
OF DEFENDANT IN SAID COURT A JUDGEMENT FOR THE
SUM OF \$65,979.88 DOLLARS PLUS \$150.00 DOLLARS COURT COSTS, AND
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS: BURFORD, JAMES F, III

11/21/95 JUDGMENT IS RENDERED IN FAVOR OF THE PLAINTIFF AND AGAINST
THE DEFENDANT, RANDALL W. CASH, PER ATTACHED ORDER.

JUDGE JAMES

GIVEN UNDER MY HAND THIS DATE 03/08/96


CLERK: POLLY CONRADI (CV)
716 21ST ST ROOM 313
BIRMINGHAM, AL 35263
(205) 325-5355OPERATOR: SIH
PREPARED: 03/08/96

PLAINTIFF'S ATTORNEY:

1 BURFORD, JAMES F, III
100 VESTAVIA OFF PK-S 200
BIRMINGHAM AL 35216

Inst # 1996-08041

03/12/1996-08041
09:22 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 SHA 13.50

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

AWAD CONSTRUCTION CO., INC.,)

PLAINTIFF)

VS.)

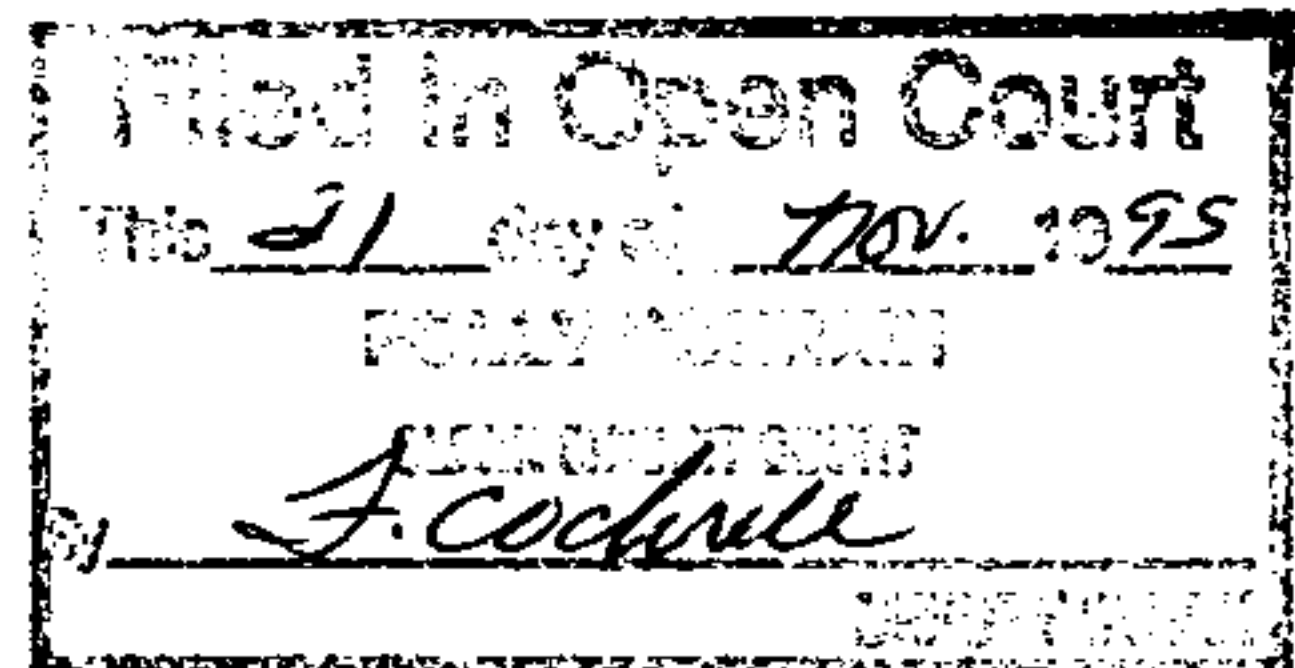
CIVIL ACTION NO. CV95-2227 DNJ ✓

RANDALL W. CASH, INDIVIDUALLY,)
 FLOYD BERMAN AND ELAINE AXEL,)
 AS TRUSTEES UNDER THE WILL OF)
 VELLYE E. BERMAN,)

DEFENDANTS)

DIXIE ACOUSTICAL CON-)
 TRACTORS, INC.)

INTERVENOR-PLAINTIFF)



ORDER

This cause came on to be heard for trial on November 20, 1995. The plaintiff appeared with its counsel, James F. Burford, III. Defendant, Randall W. Cash, did not appear, however, his counsel, Bryce Scott Davis, was present. Neither the Defendants, Floyd Berman and Elaine Axel, as Trustees under the Will of Vellye E. Berman, or their counsel appeared. The Intervenor-Plaintiff, Dixie Acoustical Contractors, Inc., had previously filed a motion for summary judgment.

The court had been earlier informed that the Defendant, Randall W. Cash, would be seeking the protection of the Bankruptcy Court. However, no filed Bankruptcy Petition was presented and further, the U.S. Bankruptcy Court in Birmingham, Alabama had not received any petition on behalf of Randall W. Cash under Chapters 7, 11 or 13. The court has been informed that Europa Corporation has filed a Chapter 11 Bankruptcy Petition on 11/20/95.

Based upon the pleadings and arguments of counsel, it is **ORDERED, ADJUDGED** and **DECREED** by the court as follows:

1. Plaintiff Awad Construction Co., Inc. shall have and recover from the Defendant Randall W. Cash the following:

The sum of \$62,795.42 principal plus interest on \$77,795.42 from February 19, 1995 to May 30, 1995; in the amount of \$1,278.83. Interest on \$72,795.42 from May 30, 1995 to June 30, 1995 in the amount of \$358.99; and interest on \$62,795.42 from June 30, 1995 to November 20, 1995 in the amount of \$1,546.64 for a total of \$65,979.88.

2. Intervenor-Plaintiff, Dixie Acoustical Contractors, Inc. shall have and recover from the plaintiff, Awad Construction Co., Inc. the sum of \$13,820.00 principal plus \$631.06 interest, for a total of \$14,541.06.

3. A lien is hereby imposed upon any lease between the Defendant, Randall W. Cash and the Defendants, Floyd Berman and Elaine Axel, as Trustees under the Will of Vellye E. Berman, and further, such lien shall extend to the improvements placed on the property which is the subject of said lease, more specifically described as:

Lot 18, and the West 50 feet of Lot 20, in Block 102, according to the plan of the City of Birmingham, as laid off by the Elyton Land Company, situated in the City of Birmingham, Jefferson County, Alabama,

said improvements having been installed and placed upon such real property by the plaintiff Awad Construction Co., Inc. and the Intervenor-Plaintiff Dixie Acoustical Contractors, Inc. and further, said real estate is condemned for the satisfaction of the indebtedness evidenced by this judgment pursuant to Code of Alabama (1975) Section 35-11-212; and further, such lien is superior to any interest or title of the Defendant, Randall W. Cash.

4. The costs of court accrued herein are taxed to Defendant, Randall W. Cash.

DONE and ORDERED this the 21st day of November, 1995.


DRAYTON JAMES, Circuit Judge

Copies:

James F. Burford, III, Esq.
Scott Davis, Esq.
Paul Spina, Esq.

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