

IN THE CIRCUIT COURT  
FOR SHELBY COUNTY, ALABAMA

FLANAGAN'S EXCAVATING  
CO., INC.

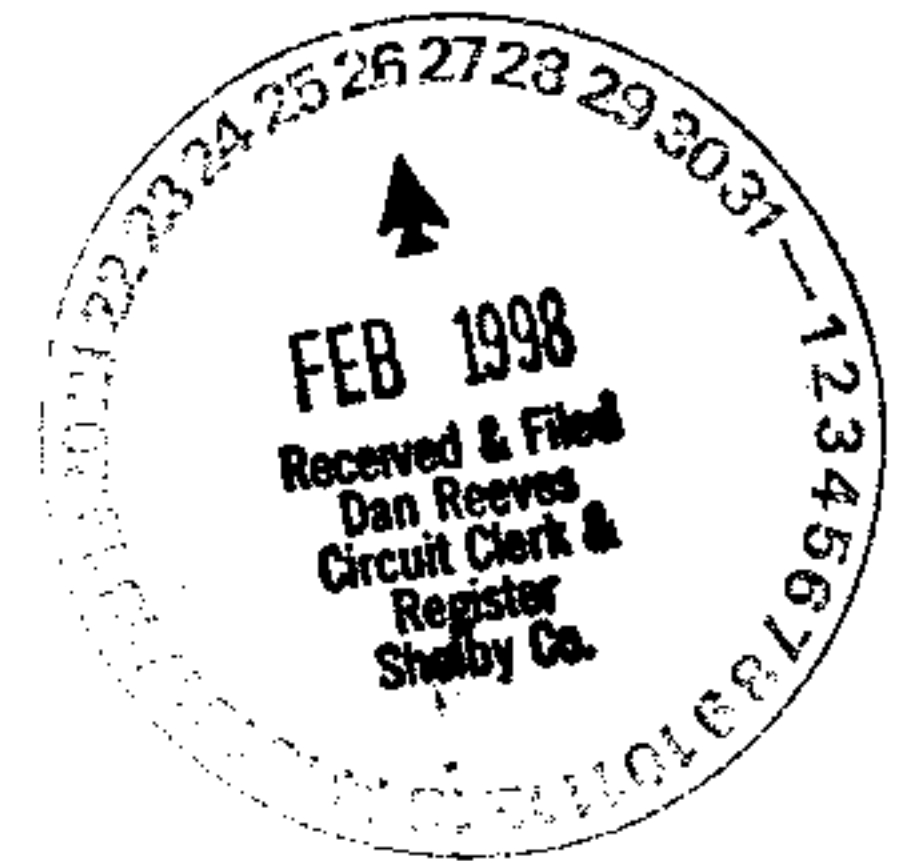
Plaintiff,

vs.

AL ASHTARANI and  
METROPOLITAN HOMES, INC.,

Defendants.

CASE NO. CV 97-866



Inst # 1998-06606

ORDER ON  
MOTION TO AMEND ORDER OF TRANSFER AND/OR  
MOTION FOR CLARIFIED TRANSFER OF LIEN

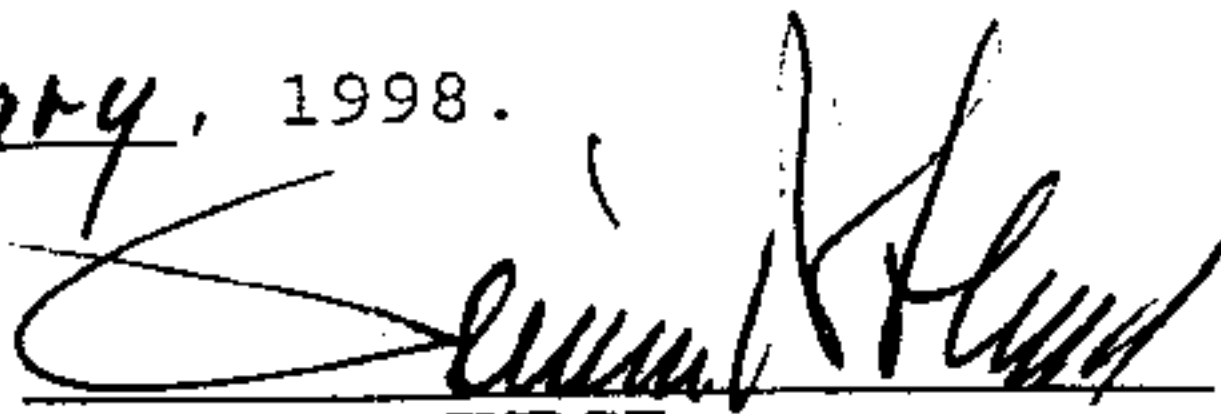
Motion for Transfer of Lien of Defendants having been filed with the court in accordance with Ala. Code § 35-11-233(b), and said Defendants having presented to the court a bond which complies in all respects with the provisions of Ala. Code § 35-11-233(b)(2), and it being brought to the Court's attention by further Motion that there are two lien statements filed by Plaintiff asserting the same lien and covering the same real property, the second lien statement including all the work and materials covered by the first lien statement, upon consideration of such, it is, *by consent of the parties, etc.*

ORDERED, ADJUDGED AND DECREED that this Court's earlier Order on Motion for Transfer of Lien is amended to clarify and reflect that the lien statement of April 2, 1997 at instrument 1997-10139 and the lien statement of October 30, 1997 at instrument 1997-35543 both assert the same, single lien, the second line statement including all the work and materials covered by the first lien statement; that the later lien statement amends the earlier lien statement and reflects the true amount of the lien claimed; and that the single lien claimed by both lien statements filed by Plaintiff, Flanagans Excavating Company, Inc. is hereby transferred to the Bond filed by Defendants in the principal sum of TWO HUNDRED SIXTEEN THOUSAND, EIGHT HUNDRED SIXTY-FIVE AND 21/100 DOLLARS (\$216,865.21) and from the real property described in the Complaint and further described in both the verified Statement of Lien filed by Plaintiff on the 30<sup>th</sup> day of October, 1997 recorded at instrument 1997-35543 and the verified Statement of Lien filed by Plaintiff on the 2<sup>nd</sup> day of April, 1997, recorded at instrument 1997-10139, which are two statements of the same lien.

The Register of this Court is hereby ordered and directed to make and record a Certificate showing the transfer of such lien from the real property to the aforesaid security and to mail a copy of such Certificate to the lienor by registered or certified mail to said lienor and counsel of record for said lienor in this action.

It is further ORDERED, ADJUDGED and DECREED that a certified copy of this Order and the aforesaid Certificate shall be filed in the Office of the Judge of Probate of Shelby County, Alabama.

Date this 26<sup>th</sup> day of February, 1998.

  
CIRCUIT JUDGE

02/26/1998 06:06 PM  
01:41 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
11:00 AM



Certified a true and correct copy -

Date: February 26, 1998

Dan Reeves

Dan Reeves, Circuit Clerk  
Shelby County, Alabama

Inst # 1998-06606

02/26/1998-06606  
01:41 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
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