

IN THE DISTRICT COURT OF SHELBY COUNTY, ALABAMA

LIGHTING & LAMP WHOLESALERS,
INC.,

Plaintiff,

VS.

KMC HOMES, INC., KENNETH M.
CURTIS and REGIONS BANK,

Defendants.

CASE NO.

DV-99-107

Certified a true and correct copy
Date: 5-28-99

Mary H. Harris
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

Inst # 1999-23947

ORDER

THIS CAUSE coming on to be heard on Plaintiff's Application for Default Judgment against Defendants, KMC Homes, Inc. and Kenneth M. Curtis, and Defendants, KMC Homes, Inc. and Kenneth M. Curtis, having been duly served, however, failing to file an answer otherwise making an appearance in this action and the Court being of the opinion that the following default judgment should be entered. It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. That a money judgment is hereby entered in favor of the Plaintiff, Lighting & Lamp Wholesalers, Inc., and against the Defendant, KMC Homes, Inc., and Defendant, Kenneth M. Curtis, in the amount of \$3,059.90, plus interest of \$269.34, plus an attorney's fee of \$1,438.00, for a total money judgment of \$4,767.24.

2. That a materialmen's lien in the amount of \$1,105.00 is hereby fixed and established in favor of the Plaintiff to the extent and ownership of all of the right, title and interest of KMC Homes, Inc. in the following described real property located and situated in Shelby County, Alabama, to-wit:

Lot 60, according to the Survey of Ashley Brook, as recorded in Map Book 22, Page 78, in the Probate Office of Shelby County, Alabama.

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3. That a materialmen's lien in the amount of \$1,046.32 is hereby fixed and established in favor of the Plaintiff to the extent and ownership of all of the right, title and interest of KMC Homes, Inc. in the following described real property located and situated in Shelby County, Alabama, to-wit:

Lot 61, according to the Survey of Ashley Brook, as recorded in Map Book 22, Page 78, in the Probate Office of Shelby County, Alabama.

4. That a materialmen's lien in the amount of \$1,177.92 is hereby fixed and established in favor of the Plaintiff to the extent and ownership of all of the right, title and interest of KMC Homes, Inc. in the following described real property located and situated in Shelby County, Alabama, to-wit:

Lot 62, according to the Survey of Ashley Brook, as recorded in Map Book 22, Page 78, in the Probate Office of Shelby County, Alabama.

5. In accordance with the provisions of Section 35-11-226, Code of Alabama (1975), all papers and a certified transcript of this judgment are to be transferred to the Clerk of the Circuit Court for further proceedings in the Court regarding sale of the described properties and satisfaction of this judgment as provided by statute. The Court shall mail a copy of this Order this date to Gregory M. Deitsch, counsel for the Plaintiff.

Costs are hereby taxed against the Defendants, KMC Homes, Inc. and Kenneth M. Curtis, for which let execution issue.

plaintiff's claim against Regions Bank is DISMISSED without prejudice. There being no just reason for delay, the entry of this Order is a final Order pursuant to Rule

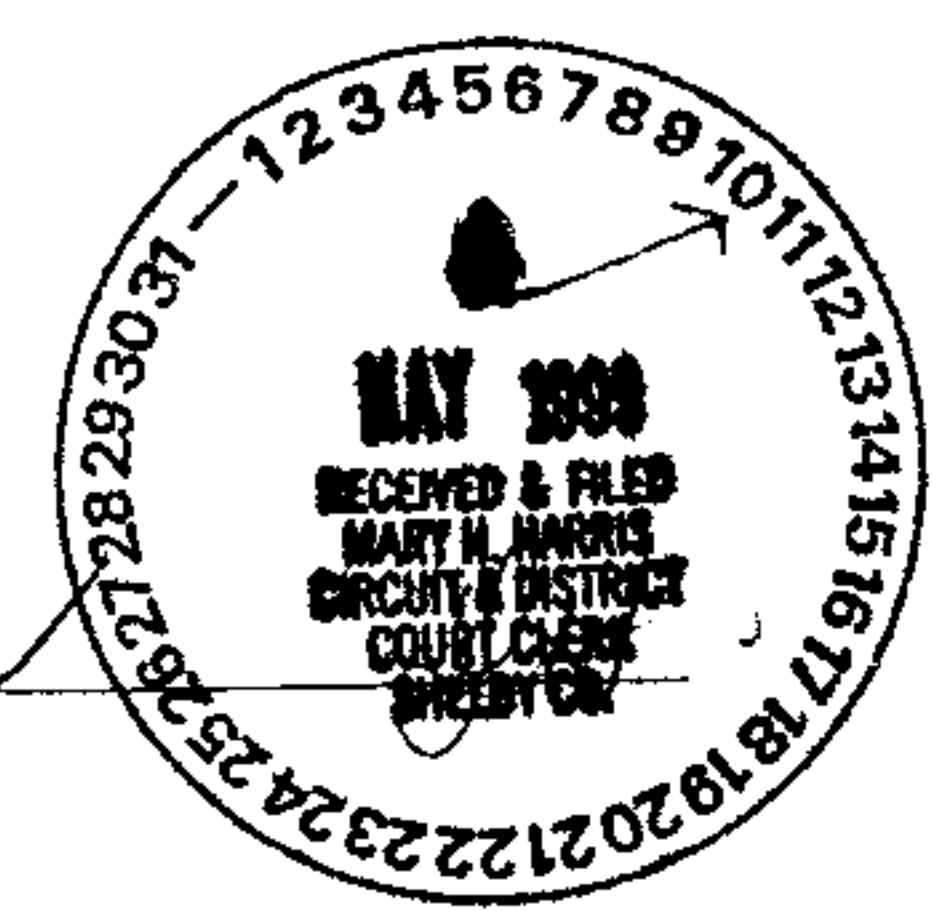
54(b) of the Alabama Rules of Civil Procedure.

DONE AND ORDERED this 17th day of May, 1999.

Certified a true and correct copy
Date: 5-28-99

Mary H. Harris
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

Robert J. Jackson
District Court Judge



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