

STATE OF ALABAMA)

SHELBY COUNTY)



CV 99-867

**CERTIFICATE TRANSFERRING LIEN
FROM REAL PROPERTY TO SURETY
BOND PURSUANT TO ALA. CODE § 35-11-233**

Pursuant to Ala. Code § 35-11-233, the Verified Statement of Lien (attached hereto as Exhibit 1) recorded by Domco, Inc. on September 2, 1999, as Instrument Number 1999-37010, in the Probate Court of Shelby County, Alabama, is hereby transferred to the Lien Transfer Bond filed in In Re: Domco, Inc. Mechanics Lien, CV- 99 - 867 in the Circuit Court of Shelby County Alabama. A copy of said bond is attached hereto as Exhibit

2.

Done this 27th day of October, 1999.

D. Al. Crowson
Circuit Judge

Certified a true and correct copy

Date: February 9, 2000

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

02/09/2000-04187
12:20 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 CJ1 21.00

Exhibit 3

STATE OF ALABAMA

COUNTY OF JEFFERSON

VERIFIED STATEMENT OF LIEN

NOW COMES Domco, Inc. and files this statement in writing, verified by the oath of Dirkzen Dominick, President of Domco, Inc. who has personal knowledge of the facts set forth herein:

That said Domco, Inc. claims a lien upon the following real property, situated in Jefferson County, Alabama, to-wit:

Rite-Aid # 7023
2661 Valleydale Road
Birmingham, AL 35244

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

That the said lien is claimed to secure an indebtedness of twenty thousand nine hundred forty two and 83/100 Dollars (\$20,942.85) from to-wit, December 9, 1998 through June 1, 1999 for services rendered and/or materials furnished for the construction and improvement of said real property.

The names of the owner or proprietor of said property are Nancy Shillinger and Thurman Wilson.

Domco, Inc.

Dirkzen Dominick
Dirkzen Dominick
Its President

Sworn to and Subscribed before me
this 31st day of August, 1999.

Richard Howard
Notary Public
My Commission expires: 4-10-01

Inst # 1999-37010
09/02/1999-37010
10:12 AM CERTIFIED
JEFF COUNTY JUDGE W. F. FORD
001 CM 1.30

LIEN TRANSFER BOND



Pursuant to Ala. Code § 35-11-233, Doster Construction Company, Inc. ("Doster") as Principal, and Safeco Insurance Company of America as Surety, jointly and severally bind themselves to Domco, Inc., as Obligee, for the total penal sum of Twenty Six Thousand One Hundred Sixty Nine and 13/100ths Dollars (\$26,169.13). The condition of this bond is as follows: If the Principal pays and satisfies any final judgment or decree which may be rendered by the Circuit Court of Shelby County, Alabama, for the satisfaction of the lien that is attached hereto as Exhibit A, after such judgment has been affirmed by any appellate court in which review is sought or the time for seeking appellate review has expired, then the obligation of this bond shall be null and void; otherwise, it shall remain in full force and effect.

The provisions and requirements of Ala. Code § 35-11-233 are incorporated herein by reference. The terms and conditions of this bond shall be deemed to be modified to the extent necessary to comply with and conform to the provisions and requirements of said statute.

Nothing in this bond shall be construed to be a waiver by Principal or Surety of any of the requirements in Ala. Code §§ 35-11-210, et. seq for the perfection and enforcement of a mechanics lien, or of any other right, remedy, or defense of Principal or Surety. If Obligee fails to commence an action in the Circuit Court of Shelby County, Alabama, on or

before March 8, 2000, to enforce the lien that is attached hereto as Exhibit A, this bond shall
be null and void.

SAFECO INSURANCE COMPANY OF
AMERICA, as Surety

By: 

Print: RICHARD E. THOMPSON

Its: Attorney-in-Fact

DOSTER CONSTRUCTION COMPANY, INC.,
as Principal

By: 

Print: J Duane Watson

Its: President

STATE OF ALABAMA
COUNTY OF JEFFERSON

VERIFIED STATEMENT OF LIEN

NOW COMES Domco, Inc. and files this statement in writing, verified by the oath of Dirksen Domialick, President of Domco, Inc. who has personal knowledge of the facts set forth herein:

That said Domco, Inc. claims a lien upon the following real property, situated in Jefferson County, Alabama, to-wit:

Rite-Aid # 7023
2661 Valleydale Road
Birmingham, AL 35244

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

That the said lien is claimed to secure an indebtedness of twenty thousand nine hundred forty two and 85/100 Dollars (\$20,942.85) from to-wit, December 9, 1998 through June 1, 1999 for services rendered and/or materials furnished for the construction and improvement of said real property.

The names of the owner or proprietor of said property are Nancy Shillinger and Thurman Wilson.

Domco, Inc.

Dirksen Domialick
Dirksen Domialick
Its President

Sworn to and Subscribed before me
this 21st day of August, 1999.

Richard Howard
Notary Public
My Commission expires: 4-10-01

Inst # 1999-37010
09/08/1999-37010
10:12 AM CERTIFIED
JEFF COUNTY JUDGE OF PROBATE
CCL CM 1.30

Exhibit A



POWER
OF ATTORNEY

SAFECO INSURANCE COMPANY OF AMERICA
GENERAL INSURANCE COMPANY OF AMERICA
HOME OFFICE: SAFECO PLAZA
SEATTLE, WASHINGTON 98185

No. 7244

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA, each a Washington corporation, does each hereby appoint

*****PATTON BRADFORD, JR.; RICHARD E. THOMPSON; BARBARA SUE GARREN; Birmingham, Alabama*****

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA and GENERAL INSURANCE COMPANY OF AMERICA have each executed and attested these presents

this 21st

day of April

, 1999

R.A. Pierson

R.A. PIERSON, SECRETARY

W. Randall Stoddard

W. RANDALL STODDARD, PRESIDENT

CERTIFICATE

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA
and of GENERAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA
and of GENERAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, R.A. Pierson, Secretary of SAFECO INSURANCE COMPANY OF AMERICA and of GENERAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this _____

day of _____



Inst # 2000-04187

R.A. Pierson

R.A. PIERSON, SECRETARY

02/09/2000-04187
12:20 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 CJ1

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4/21/99 PDF