

**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

**GARY C. WYATT, INC.**

**Petitioner,**

**v.**

**ROBERTSON-CECO CORPORATION,**

**Respondent.**

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**Action No. 43-055**

**CERTIFICATE TRANSFERRING LIEN FROM REAL PROPERTY TO BOND**

THIS DAY came Gary C. Wyatt, Inc. ("Wyatt"), Petitioner in the above-styled action, and pursuant to the provisions of *Ala. Code* § 35-11-233 (1975), as amended, by Petition to Transfer Lien, requested the transfer of a materialman's lien. The Court, having read and considered same, is of the opinion that the lien should be transferred from the real property set out in the lien statement to the Bond Security as filed with the Petition of Wyatt.

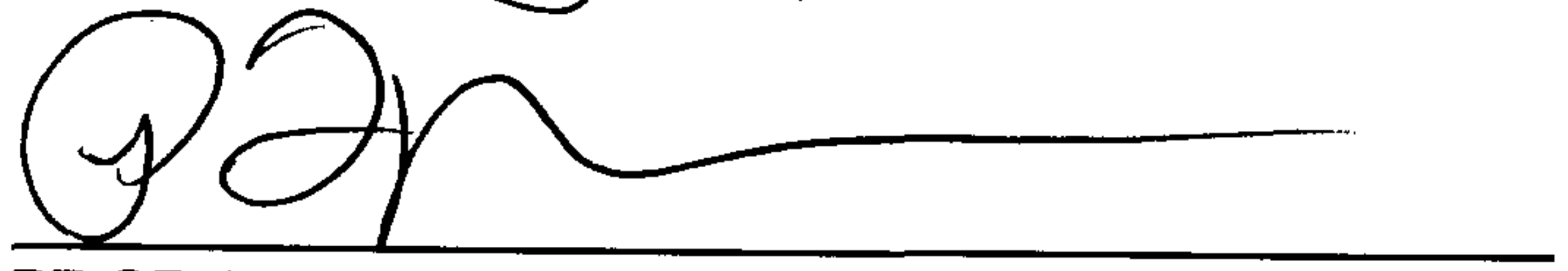
It is, therefore, ORDERED, ADJUDGED, AND DECREED that:

1. Pursuant to *Ala. Code* § 35-11-233 (1975), as amended, the lien of Robertson-Ceco Corporation, upon the property situated in Shelby County, Alabama, described in the Statement of Lien recorded in the office of the Judge of Probate of Shelby County, Alabama, Instrument No. 20020717000333200, is hereby transferred from the property to the Bond for Transfer of Lien dated July 22, 2002, executed by Wyatt as principal, and Travelers Casualty & Surety Company of America, as surety, said bond having been filed in this action and a duplicate copy of same being attached hereto as Exhibit "A".

2. That a copy of this Certificate be mailed to Robertson-Ceco Corporation, claimant in the Statement of Lien, by certified mail, addressed to its attorney, Robert J. Campbell, London & Yancey, LLC, 400 Park Place Tower, 2001 Park Place North, Birmingham, Alabama 35203.

3. That this Certificate be recorded in the office of the Judge of Probate of Shelby County, Alabama.

DONE AND ORDERED this the 23 day of July, 2002.

  
\_\_\_\_\_  
PROBATE COURT JUDGE

**CERTIFICATE OF NOTICE**

Pursuant to *Ala. Code* § 35-11-233 (1975), as amended, notice of the making and recording of this Certificate is issued this the 23 day of July, 2002, by mailing a copy of this Certificate by certified mail to Robertson-Ceco Corporation, care of its attorney:

Robert J. Campbell, Esq.  
London & Yancey, LLC  
400 Park Place Tower  
2001 Park Place North  
Birmingham, Alabama 35203

  
\_\_\_\_\_  
CLERK, PROBATE COURT

**BOND FOR TRANSFER OF LIEN**  
**(Pursuant to Code of Alabama (1975) § 35-11-233)**

THIS BOND, made this 22nd day of July, 2002, by Gary C. Wyatt, Inc., as principal (hereinafter referred to as "Principal") and Travelers Casualty & Surety Company of America, as surety (hereinafter referred to as "Surety").

WHEREAS, Principal is the general contractor employed by David E. Foley, Bishop of Birmingham in Alabama, a corporation sole (hereinafter referred to as the "Owner") for the construction of the St. Mark's Evangelistic Church (hereinafter referred to as the "Project") on the real property described as follows, to-wit:

**Lot 3-A, according to a Resurvey of Lot 3, Brook Highland Commercial No. 3, as recorded in Map Book 26, Page 41, in the Probate Office of Shelby County, Alabama, being situated in Shelby County, Alabama**

WHEREAS, Robertson-Ceco Corporation (hereinafter referred to as "Claimant") contracted with Shipman, Inc., one of Principal's subcontractors on the Project, and has filed a claim of lien against the real property described above, which claim of lien was filed in the Probate Court of Shelby County on July 17, 2002, Instrument No. 20020717000333200, in the amount of One Hundred Forty Three Thousand Five Hundred Ninety Three and 71/100 Dollars (\$143,593.71) plus interest from April 10, 2002; and

WHEREAS, the Principal disputes the validity or correctness of such claim of lien and desires to transfer said lien from said real property to this bond pursuant to § 35-11-233, Code of Alabama (1975), as amended.

NOW, THEREFORE, Principal and Surety are held and firmly bound unto Claimant to pay any judgment or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded up to the amount of One Hundred Forty Three Thousand Five Hundred Ninety Three and 71/100 Dollars (\$143,593.71) plus interest thereon at eight percent (8%) per year for three (3) years plus costs not to exceed One Hundred and NO/100 Dollars (\$100.00) (an aggregate amount of One Hundred Seventy Eight Thousand One Hundred Fifty Six and 20/100 Dollars (\$178,156.20)) for the payment of which Principal and Surety bind themselves, their successors and assigns, jointly and severally by these presents.

The condition of this bond is such that should Claimant not obtain any judgment or decree for the satisfaction of the lien for which such claim of lien was recorded or should Claimant otherwise receive payment for satisfaction of the lien for which such claim of lien was recorded, then this bond shall be null and void, but otherwise shall remain in full force and effect.

TRAVELERS CASUALTY & SURETY  
COMPANY OF AMERICA

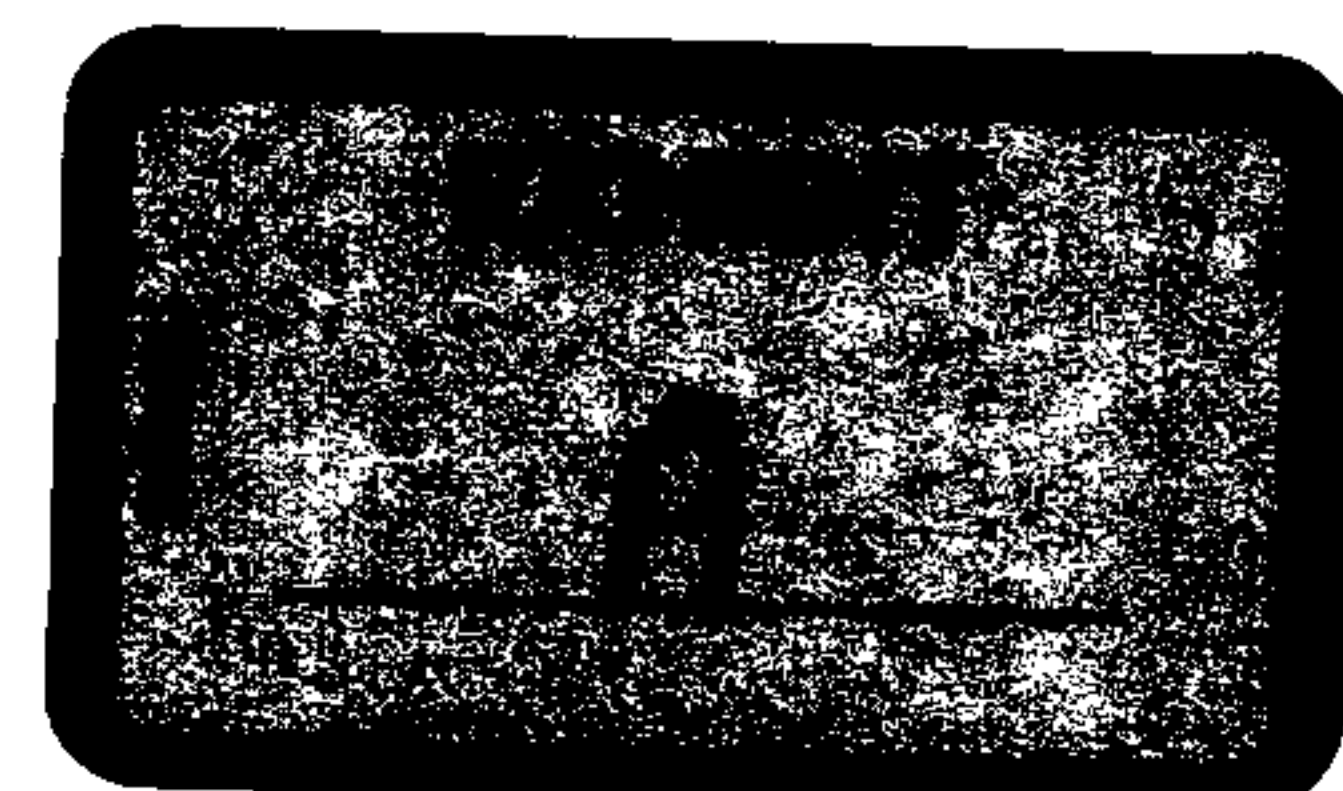
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**ROLAND HINES, JR.**  
**ATTORNEY-IN-FACT**

GARY C. WYATT, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**Gary C. Wyatt**  
**PRESIDENT**





**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
TRAVELERS CASUALTY AND SURETY COMPANY  
FARMINGTON CASUALTY COMPANY  
Hartford, Connecticut 06183-9062**

**POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT**

**KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Roland Hines, Jr., Earl D. Ridolphi, Jr., Mary Pannell, Suzi Philpot, Sheryl Cooper, Charles E. Carper, IV, Douglas K. Aman, Jane Huddleston, Joan N. Miller, Walter C. Dowdy, of Birmingham/Montgomery, Alabama, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.**

**This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:**

**VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.**

**VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.**

**VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.**

**This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:**

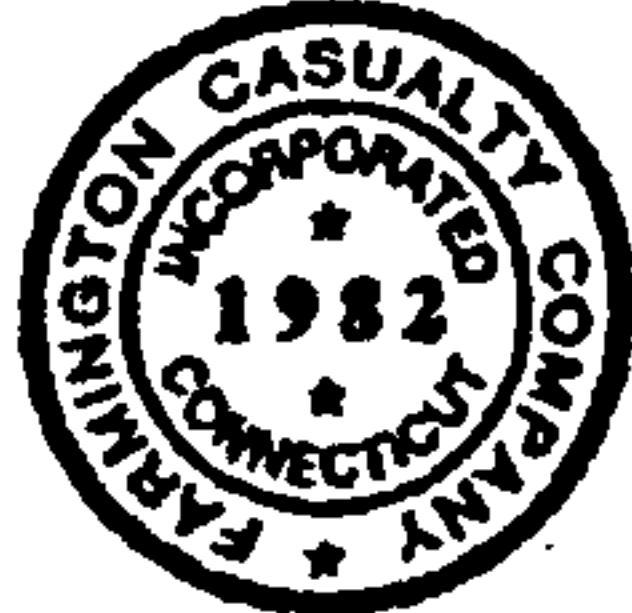
**VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.**

IN WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be signed by their Senior Vice President and their corporate seals to be hereto affixed this 27th day of September 2001.

STATE OF CONNECTICUT

}SS. Hartford

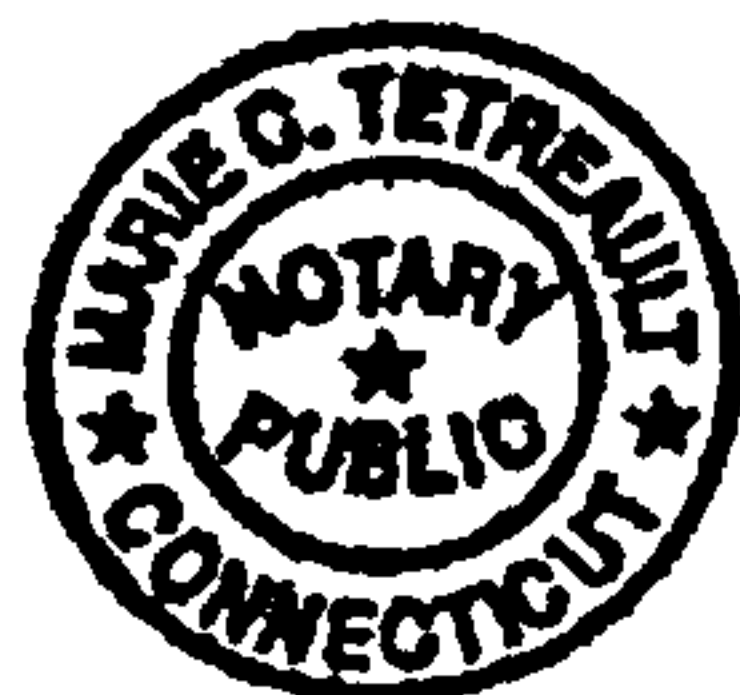
COUNTY OF HARTFORD

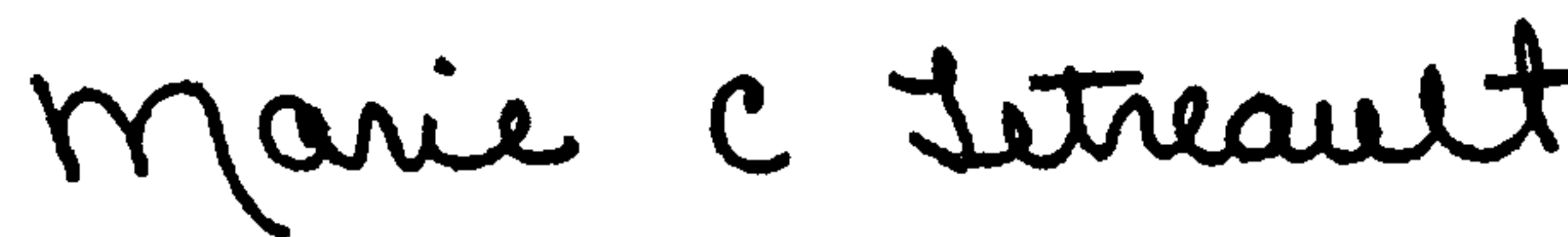


TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA  
TRAVELERS CASUALTY AND SURETY COMPANY  
FARMINGTON CASUALTY COMPANY

By   
George W. Thompson  
Senior Vice President

On this 27th day of September, 2001 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly sworn, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, the corporations described in and which executed the above instrument; that he/she knows the seals of said corporations; that the seals affixed to the said instrument are such corporate seals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.



  
My commission expires June 30, 2006 Notary Public  
Marie C. Tetreault

#### CERTIFICATE

I, the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the State of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Sealed at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 22nd day of July, 2002.



By   
Kori M. Johanson  
Assistant Secretary, Bond