

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

CONSECO FINANCE CORP.-ALABAMA,
a corporation, and CONSECO FINANCE
SERVICING CORP., a corporation,

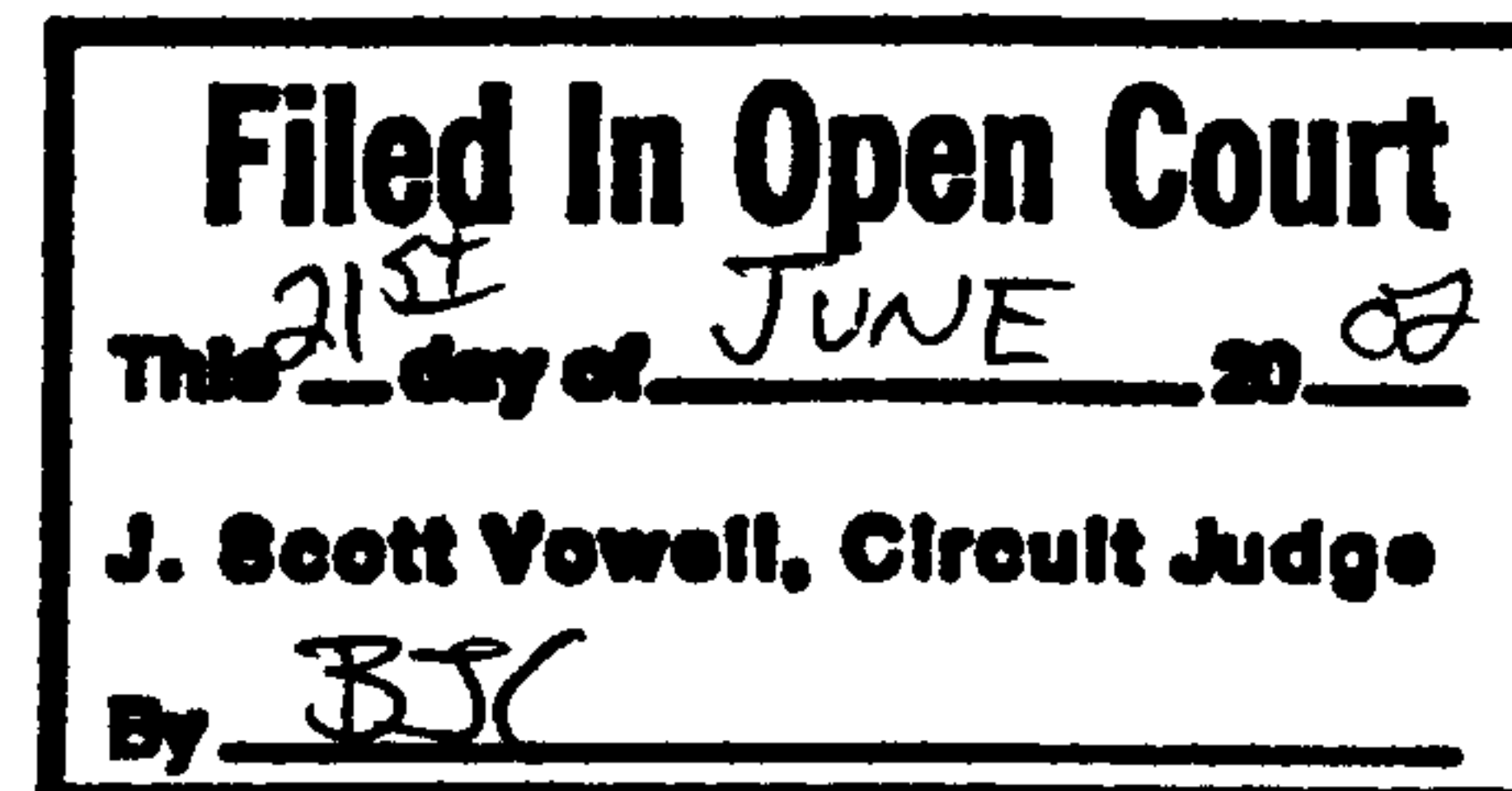
Plaintiffs,

v.

JOHN KENNETH CAUSEY, an individual,
DAVID MAJURE, II, an individual,
CAUSEY & GRAVES, INC., a corporation,
COOSA OUTLET CENTER, L.L.C., a limited
liability corporation, COOSA HOMES # ONE,
L.L.C., a limited liability corporation, COOSA
HOMES OF LINCOLN # ONE, L.L.C., a
corporation, HOLLYBROOK HOMES, L.L.C.,
a limited liability corporation, and FACTORY
FRESH HOMES, L.L.C., a limited liability
corporation, et al,

Defendants.

Civil Action Number: CV-017656



FINAL JUDGMENT

This matter came to be heard on the Motion for Summary Judgment filed by Conseco Finance Servicing Corp. ("Conseco Commercial") and Conseco Finance Corp.-Alabama ("Conseco Retail," and collectively with "Conseco Commercial," "Conseco Finance") and the evidence submitted concerning the Motion for Summary Judgment. Due notice was given to all parties in interest. Oral arguments was set for and occurred on June 21, 2002. This Court finds that Conseco Finance is entitled to summary judgment in its favor and against the following defendants: John Kenneth Causey; Causey & Graves, Inc.; Factory Fresh Homes, L.L.C., Coosa Outlet Center, L.L.C.; Coosa Homes # One, L.L.C.; and Coosa Homes of Lincoln # One, L.L.C., (collectively, the "Judgment Defendants") because there is no genuine issue as to any material

fact and Conseco Finance is entitled to judgment against the Judgment Defendants as a matter of law. ALA. R. CIV. P. 56.

The recently added defendants Jason Dye, Stacey Dye, and Payless Manufactured Homes, Inc. (the "Payless Defendants") were not included in the Motion for Summary Judgment filed by Conseco Finance, and the Court does not enter judgment as to the Payless Defendants at this time. Moreover, based upon the Motion to Continue Hearing on Motion for Summary Judgment as to Defendants Hollybrook Homes, L.L.C. and David C. Majure, II (the "Hollybrook Defendants"), and the Court does not enter judgment as to the Hollybrook Defendants at this time.

THEREFORE, it is hereby **ORDERED, ADJUDGED, and DECREED** that, there being no genuine issue of material fact, summary judgment is entered in favor of Conseco Finance and against the Judgment Defendants as follows:

A. Conseco Finance Servicing Corp. is hereby **AWARDED** a money judgment in the amount of NINE HUNDRED THIRTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY SIX DOLLARS AND 74/100 CENTS (\$938,886.74), for which let execution issue, against the following defendants, jointly and severally: John Kenneth Causey, Causey & Graves, Inc.; Coosa Outlet Center, L.L.C.; Coosa Homes # One, L.L.C.; Coosa Homes of Lincoln # One, L.L.C.; and Factory Fresh Homes.

B. Conseco Finance Corp.-Alabama is hereby **AWARDED** a money judgment in the amount of NINE HUNDRED TWENTY-TWO THOUSAND FIVE HUNDRED FIFTY DOLLARS AND 43/100 CENTS (\$922,550.43), for which let execution issue, against the following defendants, jointly and severally: John Kenneth Causey, Causey & Graves, Inc.; Coosa Outlet Center, L.L.C.; and Coosa Homes # One, L.L.C.

C. Consecro Finance Servicing Corp. and Consecro Finance Corp.-Alabama are hereby **AWARDED** a judgment for attorneys' fees in the amount of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00), for which let execution issue, against the following defendants, jointly and severally: John Kenneth Causey, Causey & Graves, Inc.; Coosa Outlet Center, L.L.C.; Coosa Homes # One, L.L.C.; Coosa Homes of Lincoln # One, L.L.C.; and Factory Fresh Homes.

D. The amounts awarded in paragraphs A, B, and C herein are separate amounts. Judgment Defendants must pay all three amounts in full in order to satisfy this Judgment.

E. This Final Judgment is hereby **CERTIFIED** a final judgment pursuant to Ala. R. Civ. P. 54(b), in as much as this Final Judgment resolves all claims in this matter as to John Kenneth Causey, Causey & Graves, Inc., Coosa Outlet Center, L.L.C., Coosa Homes # One, L.L.C., Coosa Homes of Lincoln # One, L.L.C., and Factory Fresh Homes, and there is no just reason for delay in the entry of a Final Judgment in this matter as the certain Judgment Defendants.

DONE and **DATED** this the 21st day of June, 2002.



J. SCOTT VOWELL
CIRCUIT COURT JUDGE