

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

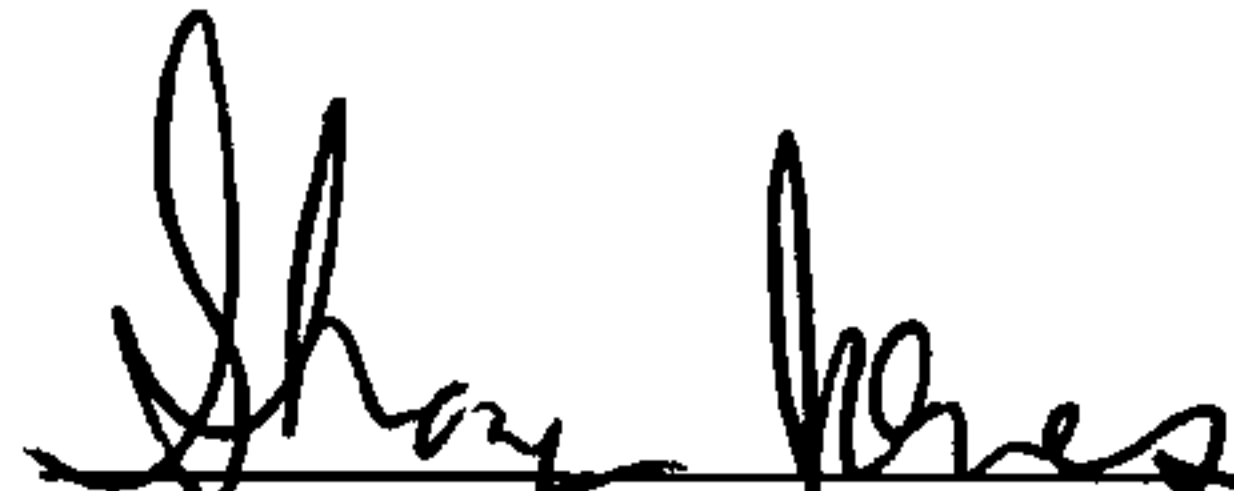
**JUDGMENT AFFIDAVIT**

COMES NOW Shane Jones, hereinafter designated as "Affiant", and after first having been duly sworn, said Affiant does hereby depose and say as follows:

1. That Affiant has personal knowledge of the facts stated herein, is over the age of nineteen (19) years, and is competent to execute this Affidavit.
2. Shane Jones is the sole proprietor of Jones Country Food Mart, situated in Shelby County, Alabama.
3. On or about November 16, 2000, Carolyn Boothe, as the Administratrix of the Estate of Russell Kristopher Adams, deceased, filed a lawsuit against Shane Jones, Jones Country Food Mart, Johnny Ray Roberts, et al., in the Circuit Court of Shelby County, Alabama, and said cause was designated by Case Number CV-00-1131.
4. On or about January 15, 2002, said Plaintiff obtained a judgment against Johnny Ray Roberts in the sum of \$1,500,000.00, plus court costs. Said judgment was recorded at Instrument Number 2002-09822 in the Office of the Probate Judge, Shelby County, Alabama. The recorded Certificate of Judgment is barely legible, as is noted by the recorder's memorandum, which indicates as follows: "At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction."
5. Prior to the rendition of said judgment, legal counsel for Shane Jones and Jones Country Food Mart filed a Motion for Summary Judgment in regard to said cause; same having been filed with the Court on July 2, 2001. A certified copy of said Motion for Summary Judgment is hereto attached as **Exhibit "A"**.
6. On November 15, 2001, the Court, Honorable Dan Reeves presiding, granted the Motion for Summary Judgment which had been filed on behalf of Shane Jones and Jones Country Food Mart. A certified copy of the Case Action Summary by which Judge Reeves granted Summary Judgment in favor of Shane Jones and Jones Country Food Mart is hereto attached as **Exhibit "B"**.
7. Affiant affirmatively and positively states that no judgment was entered against Shane Jones or Jones Country Food Mart in reference to the above designated cause (CV-00-1131).
8. There are no judgments pending against Shane Jones or Jones Country Food Mart in Shelby County, Alabama, nor in any other county or state.

*Melchior L. Jones, Attorney*

Furthermore, the Affiant saith naught.

  
Shane Jones, Affiant

STATE OF ALABAMA     )  
SHELBY COUNTY         )

Sworn to and subscribed before me this 9<sup>th</sup> day of April, 2003.

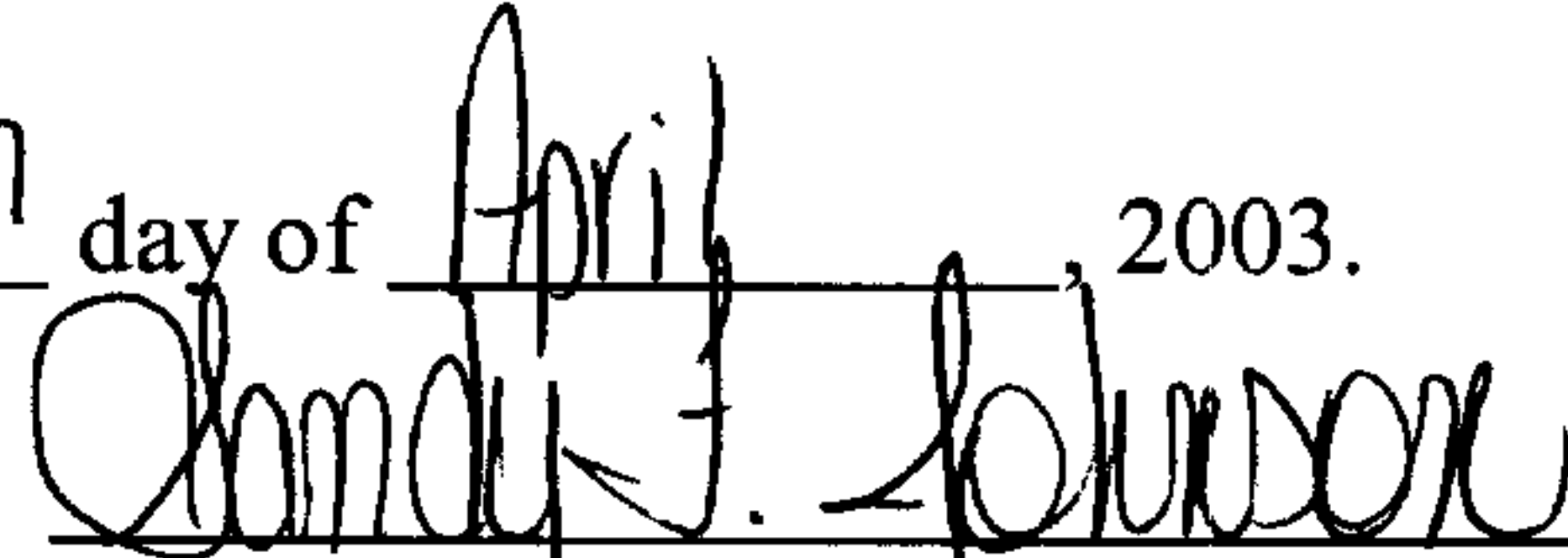
  
Notary Public  
My Commission Expires: 2/13/07

EXHIBIT "A"

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CAROLYN BOOTHE, as the  
Administratrix of the Estate of  
RUSSELL KRISTOPHER ADAMS,  
deceased;

Plaintiff,

vs.

SHANE JONES, JONES COUNTRY,  
FOOD MART, JOHNNY RAY ROBERTS,  
et al,

Defendants.

CASE NO. CV-00-1131



MOTION FOR SUMMARY JUDGMENT

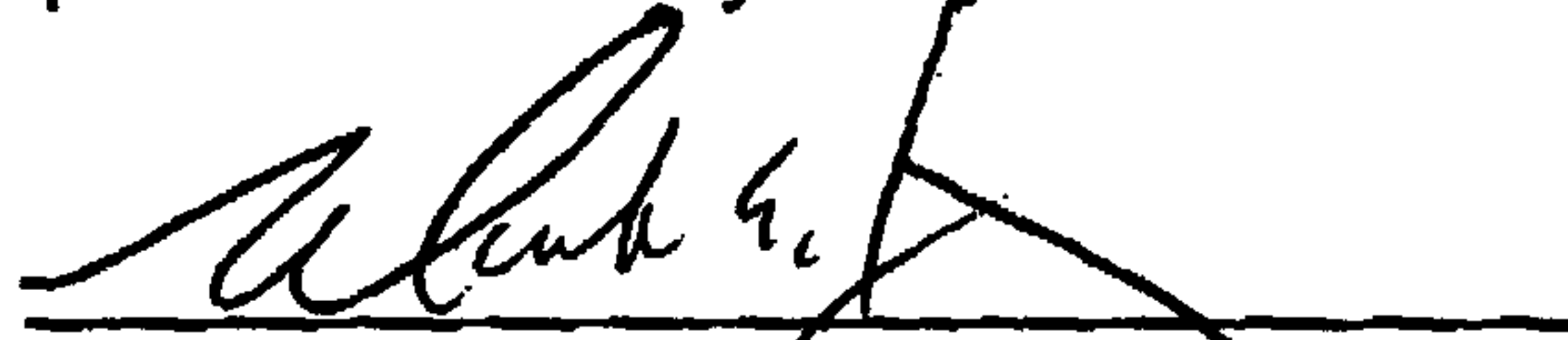
The defendants, Shane Jones (hereinafter "Jones") and Jones Country Food Mart (hereinafter "The Store"), hereby file their Motion for Summary Judgment and say as follows:

There are no genuine issues of material fact in this action as it pertains to Jones and The Store. The undisputed facts, the law, and the applicable precedents support the conclusion that Jones and the Store are entitled to judgment as a matter of law and that said order should be made final pursuant to Rule 56(c)(3) of the Alabama Rules of Civil Procedure.

This motion is supported by:

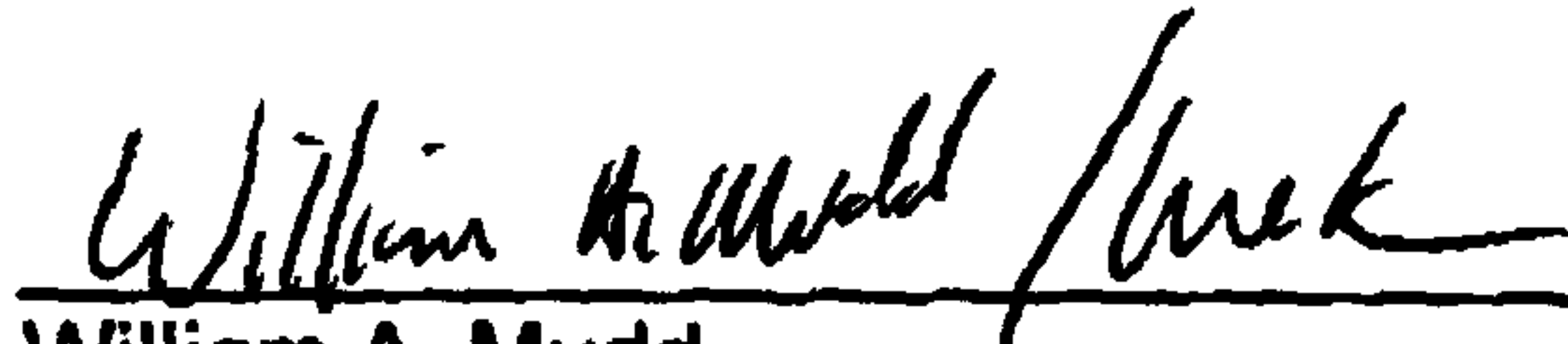
1. All pleadings and discovery in this action;
2. Excerpts from the trial transcript of Case Number CC-99-335, State of Alabama v. Johnny Ray Roberts;

3. Excerpts from the deposition of Mary Carolyn Boothe;
4. Excerpts from the deposition of Joseph Lee Adams; and
5. Memorandum Brief and authority in support of this motion filed simultaneously herewith and incorporated herein by reference.

  
MARK E. KING (KIN033)

OF COUNSEL:

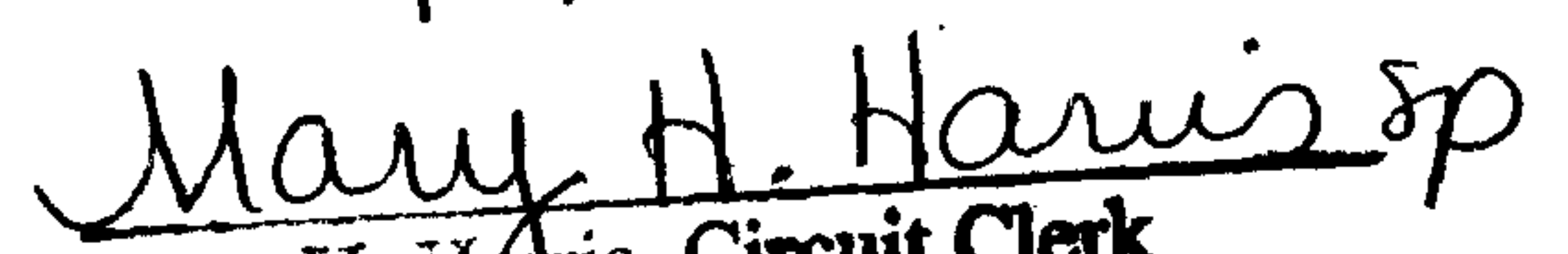
**PORTERFIELD, HARPER & MILLS, P.A.**  
22 Inverness Center Parkway, STE 600  
P. O. Box 530790  
Birmingham, Alabama 35253-0790  
(205) 980-5000

  
William A. Mudd

OF COUNSEL:

**Hall, Conerly, Mudd & Bolvig, P.C.**  
1400 Financial Center  
505 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203

Certified a true and correct copy  
Date: 3/7/03

  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama

ALABAMA JUDICIAL DATA CENTER  
CASE ACTION SUMMARY CONTINUATION  
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF SHELBY COUNTY

CAROLYN BOOTHE AS ADMIN OF EST OF RUSSELL C ADAMS VS SHANE JONES ET  
FILED: 11/16/2000 TYPE: WRONGFUL DEATH TYPE TRIAL: JURY TRACK:

\*\*\*\*\*  
DATE1: 12/10/2001 CA: CA DATE:  
DATE2: AMT: \$.00 PAYMENT:  
\*\*\*\*\*

10-01-01 | On Motion of Plaintiff, Defendant's Motion for Summary Judgment is continued to

10/11/01 | November 8, 2001 at 9:00 a.m. *Notices mailed. sp* *Dan Reeves*

11-15-01 | This matter came before the Court on November 8, 2001 on a Motion for Summary Judgment filed by Defendants and after hearing the evidence and testimony in same, said Motion is hereby GRANTED. *Dan Reeves*

11/16/2001 | APPLICATION, AFFIDAVIT AND ENTRY OF DEFAULT FILED. Sp

11/28/2001 | DEFAULT ENTERED AGAINST THE DEFENDANT JOHNNY RAY ROBERTS ON THIS DATE. *May H. Harris, Clerk*

11-28-01 | Ordered case set for default testimony on January 14, 2002 at 9:00 a.m. *Dan Reeves*

12/11/01 | *Notices of 11-15 and 11-28 orders mailed sp* *Dan Reeves*

1/16/02 | Def's Notice returned. src

2/31/02 | (1/31/02) Default Judgment Entered by the Court filed. Copies mailed  
s/ Dan Reeves, Judge src

20030410000220190 Pg 5/5 23.00  
Shelby Cnty Judge of Probate, AL  
04/10/2003 13:39:00 FILED/CERTIFIED

*Certified a true and correct copy*  
*Date: 2/12/03*