

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

Earl's Pools & Spas Inc.  
Plaintiff

CIVIL ACTION NO. CV2002-1334

VS.

James W. Hardy  
Defendant

Joined Defendants

IndyMac Mortgage Corp.

Murphy Automotive  
Group, LLC

  
20030429000262240 Pg 1/2 14.00  
Shelby Cnty Judge of Probate, AL  
04/29/2003 11:19:00 FILED/CERTIFIED

DEFAULT JUDGMENT ENTERED ON APPLICATION TO COURT

In this action the Defendant, James W. Hardy, in his capacity as personal representative/executor of the Estate of Elmer K. Hardy, Jr., as alleged in Count One, part 1, having been duly served with the summons and complaint and having failed to appear and his default having been duly entered, upon request of the Plaintiff and upon the affidavit of Dean D. Stein, CMA, attorney for Plaintiff of the amount due, which said amount is a sum certain or a sum which can by computation be made certain, the affidavit of Dean D. Stein, CMA, attorney for Plaintiff, that the Defendant is not an infant or incompetent person, judgment is hereby entered against the **Estate of Elmer K. Hardy, Jr.**, and

**It is ordered and Adjudged that the Plaintiff;**

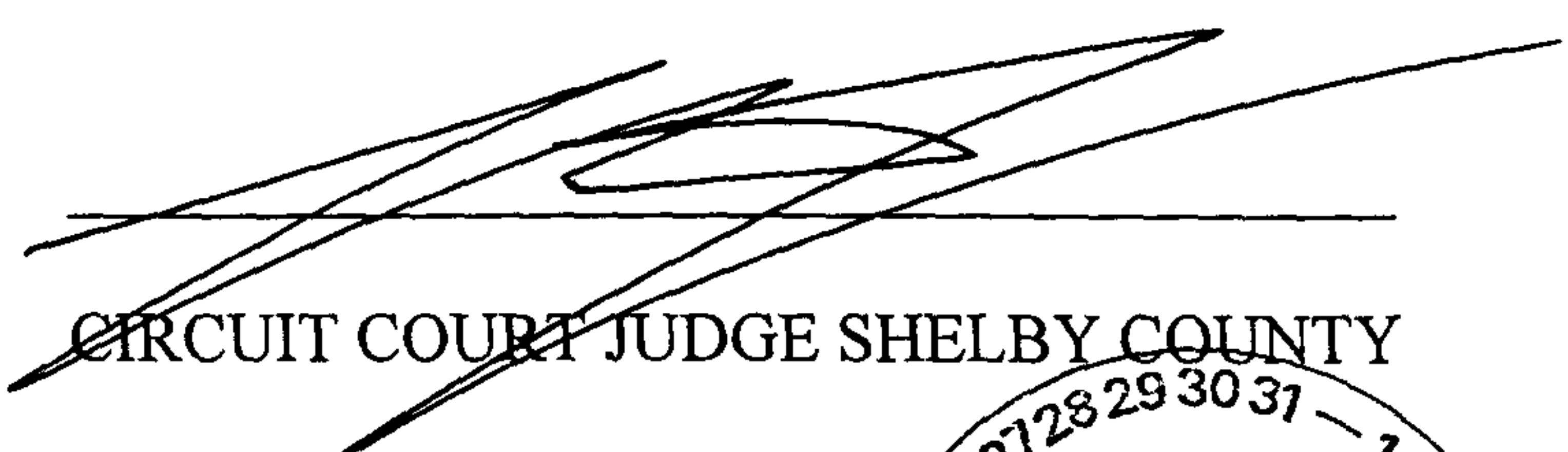
1. Recover of the Defendant damages in the amount of \$16,498.07, which is to be determined as follows:

|                                          |             |
|------------------------------------------|-------------|
| Principal Balance:                       | \$12,000.00 |
| Contractual Interest:                    | \$276.16    |
| Costs of Action:                         | \$221.91    |
| Attorney's Fees As Provided by Contract: | \$ 4,000.00 |

2. That the above amount accrue with statutory post-judgment interest of 12% until satisfied;
3. That the previously filed mechanic's and materialman's lien now in the above amount of \$16,498.07 be fixed on the property at 114 Saddle Lake Drive, Alabaster, Alabama, recorded in Map Book 20, Page 20, Lot 16 and more fully described in the Plaintiff's complaint;
4. That the above-described real estate, together with the improvements thereon, are ordered condemned to satisfy this judgment and that it is further hereby ordered to be sold by sheriff's sale by this Honorable Court for the payment of said judgment.
5. That, in addition to the above stated relief stated, a general judgement is hereby entered against the Estate of Elmer K. Hardy, Jr., and granted as to paragraph one and two, above.

Done at Shelby County Alabama this 3<sup>rd</sup> day of April, 2003.

*GRANTED de bonis testatoris*

  
CIRCUIT COURT JUDGE SHELBY COUNTY

