

IN THE CIRCUIT COURT OF SHELBY COUNTY

STATE STREET BANK AND TRUST
COMPANY, AS TRUSTEE

PLAINTIFF
v.

ROY L. AND JOYCE M. SMITHERMAN,
and A, B & C as fictitious parties, who are
those tenants whose identities are unknown
to the Plaintiff but which will be substituted
by amendment when ascertained,

Defendants.

CIVIL ACTION
FILE NO. CV 03-13

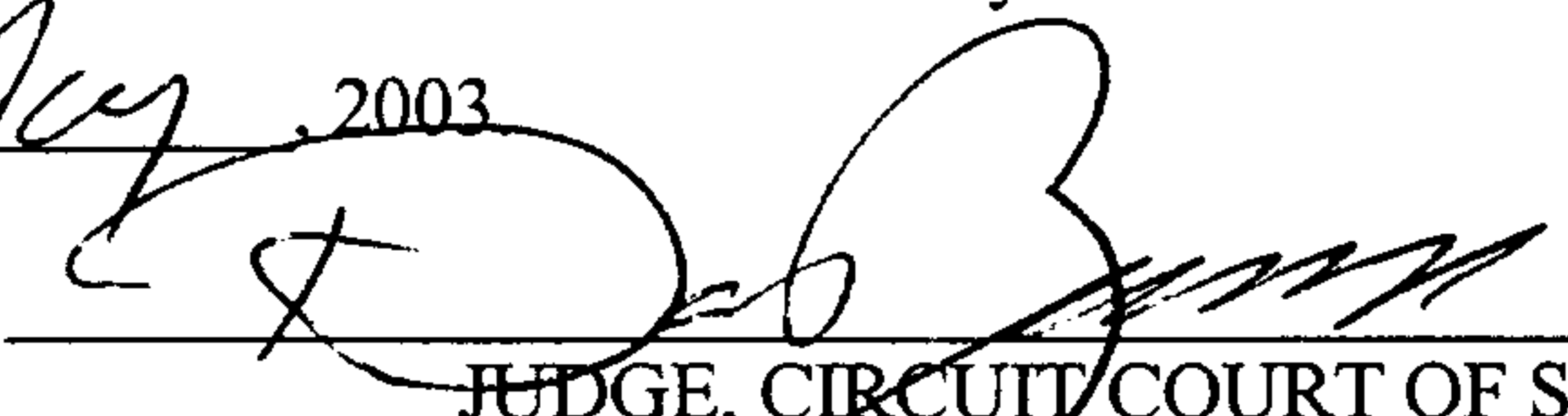


DEFAULT JUDGMENT

This action came on the motion of the plaintiff for a default judgment pursuant to Rule 55(b)(2) of the Alabama Rules of Civil Procedure, and Roy L. and Joyce M. Smitherman, the defendant(s) in the above-styled action, having been duly served with the summons and complaint and not being an infant or an unrepresented incompetent person and having failed to plead or otherwise defend, and the defendant(s) default having been duly entered and the defendant(s) having taken no proceedings since such default was entered,

IT IS THEREFORE ORDERED AND ADJUDGED, that Plaintiff is entitled to a Judgment declaring that the Agreement for Deed has been validly terminated and that Plaintiff is entitled to retain legal title to the Property and, further, Plaintiff is entitled to a Writ of Possession granting the Plaintiff possession of the property and that the clerk shall issue the said Writ of Possession immediately.

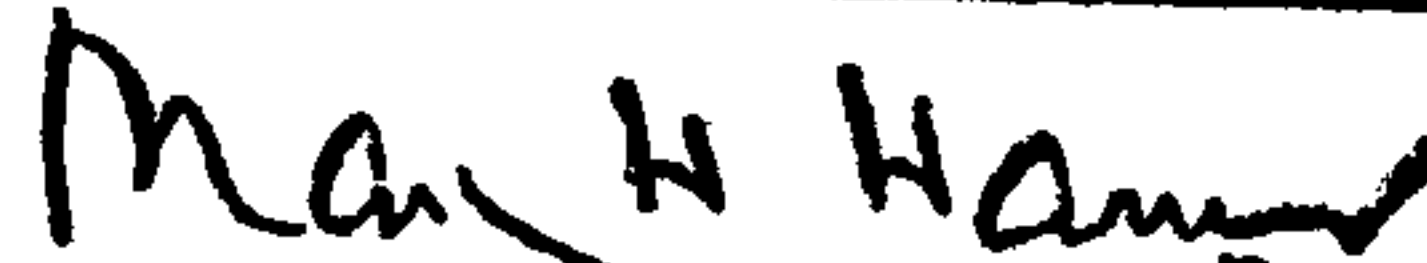
SO ORDERED this 14th day of May, 2003


JUDGE, CIRCUIT COURT OF SHELBY
COUNTY,

Prepared and Presented by:
3300 N.E. Expressway, Building 8
Atlanta, GA 30341
(770) 234-9181

Certified a true and correct copy

Date: 8-14-03


Mary H. Harris, Circuit Clerk
Shelby County, Alabama