

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SOUTHLAND BANK,
An Alabama bank corporation

Plaintiff,

v.

BIRMINGHAM REALTY COMPANY,
An Alabama corporation,

Defendant,

Civil Action No: CV-04-427

RECEIVED AND FILED
MARY H. HARRIS

OCT 15 2004

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.

ORDER

This matter came before the Court on Defendant's Motion to Expunge Plaintiff's Notice of Lis Pendens. The Court heard arguments on Defendant's motion and Plaintiff's response thereto on or about August 19, 2004. In addition the Court received additional filings on behalf of Defendant and Plaintiff with regard to this issue. After consideration of the motion and responses thereto, the Court is of the opinion that the motion is due to be granted.

Wherefore the Court hereby ORDERS that the Notice of Lis Pendens signed on behalf of Plaintiff on June 30, 2004 and filed in the Probate Court of Shelby County on or about July 13, 2004 instrument number 20040713000386880, is hereby expunged. A copy of the Notice of Lis Pendens is attached to this Order for reference purposes.

This matter is set for trial on January 10, 2005 at 9:00 a.m.

DONE and ORDERED, this 13th day of October 2004.

J. Michael Joiner,
Circuit Judge

Certified a true and correct copy
Date: 12/18/04
Mary H. Harris
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

STATE OF ALABAMA

SHELBY COUNTY

NOTICE OF LIS PENDENS

20040713000386880 Pg 1/12 47.00
Shelby Cnty Judge of Probate, AL
07/13/2004 01:23:00 FILED/CERTIFIED

20041216000686980 Pg 2/2 14.00
Shelby Cnty Judge of Probate, AL
12/16/2004 11:37:00 FILED/CERTIFIED

TO THE JUDGE OF PROBATE OF SHELBY COUNTY:

You are hereby notified that on the 9th day of April, 2004, suit was begun by the undersigned in the Circuit Court of Shelby County, Alabama, and that the following are the names of all parties to said suit:

Name of Plaintiff:

Southland Bank

Name of Defendants:

Birmingham Realty Company

In said suit, the following described real estate parcel, situated in Shelby County, Alabama, is involved, to-wit: Lot 4, Oak Mountain Commerce Place, as recorded in Map Book 18, page 58, in the Office of the Judge of Probate of Shelby County, Alabama, and which is also known by the property address 2258 Pelham Parkway, Pelham, Alabama 35124.

The kind of suit brought as above stated is set out in the Complaint for unjust enrichment/quasi-contract, equitable mortgage or lien, breach of contract, and misrepresentation and suppression, a copy of which Complaint, without exhibits, is attached hereto and made a part hereof as Exhibit A. The nature of the lien, right and interest enforced is fully and completely set out in Exhibit A attached hereto and made a part hereof.

This the 30th day of June, 2004.

Walston, Wells, Anderson & Bains, LLP

By: *Donald D. Wells*
Attorney for Southland Bank