

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

This instrument was prepared by:
Gregory A. Kennemer
2908 Crescent Avenue
Birmingham, AL 35209

VERIFIED CLAIM OF LIEN

BELLANCA PAVING, INC., a corporation qualified under the laws of the State of Alabama, by and through **MARK STIFF, Vice President** who has personal knowledge of the facts herein set fourth, files this statement in writing, verified by oath **BELLANCA PAVING, INC.** claims a lien upon certain real property located at : The Bluffs at Birmingham; 2801 Riverview Drive, Birmingham, AL and situated in **SHELBY COUNTY, ALABAMA**, more particularly described as follows, to-wit:

Lot 2B-Cahaba River Park
First Addition- Phase II
(More particularly described in "Exhibit A" attached hereto.)

This lien is claimed, separately and severally, as to the land, buildings and improvements thereon to the extent of the entire parcel which is contained within a city or town. If said land is not within a city or town, this lien is claimed, separately and severally, as to the buildings and improvements located on the above-described real property, plus one [1] acre of land surrounding and contiguous thereto.

This lien is claimed on the above mentioned land, buildings and improvements to secure the indebtedness owed by **PRS CONSTRUCTION, LLC/ PRS COMPANIES** in the amount of **One Hundred Sixteen Thousand one Hundred Six and 80/100 (\$116,106.80)**, said sum being due and owing after all credits have been given, from the **3rd day of May , 2005** , and which sum, plus attorney fees and interest thereon, is presently due and unpaid.



20050629000324680 2/4 \$20.00
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BELLANCA PAVING, INC.
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This sum of money is due and owing for materials and labor supplied by BELLANCA PAVING, INC., said materials and labor being used for the construction of the buildings and/or improvements on the above-described real property.

The owner [s] or proprietor [s] of the above-described real property is [are] :

**PRS CONSTRUCTION LLC
THE BLUFFS (AT RIVERVIEW)
THE BLUFF'S AT BIRMINGHAM L.P.
J&N SURETY ASSOCIATES, LLC
CW CAPITAL**

BELLANCA PAVING, INC.,

By: *Mark Stiff*
Mark Stiff, Its Vice President.

**STATE OF ALABAMA)
COUNTY OF JEFFERSON)**

Before me, the undersigned, a Notary Public, in and for the County of JEFFERSON, State of Alabama, personally appeared, **Mark Stiff, as Vice President of Bellanca Paving, Inc.** who being duly sworn, deposes and says as follows: That [s] he has personal knowledge of the facts set forth in the foregoing statement of lien and that the same are true and correct to the best of his/her knowledge, information and belief.

Mark Stiff
Mark Stiff, Vice Pres., Affiant

Sworn to and Subscribed before me on this 9th day of June, 2005 by said affiant.

My comission expires: 2/24/07 *[Signature]*
Notary Public

Legal Bluffs

EXHIBIT A

20050629000324680 3/4 \$20.00
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LOT 2B - CAHABA RIVER PARK
FIRST ADDITION - PHASE II
LEGAL DESCRIPTION

Lot 2B, Cahaba River Park First Addition - Phase II, as recorded in Map Book 32, Page 77 in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of said Lot 2B, said point lying on the West line of the NW 1/4 of the NE 1/4 of Section 35, Township 18 South, Range 2 West, Shelby County, Alabama, said point also being a common corner of Lot 1B, Cahaba River Park First Addition - Phase II, and lying on the Easterly line of Lot 16, Cahaba River Lake Estates First Sector, as recorded in Map Book 67, Page 13 in the office of the Judge of Probate of Jefferson County, Alabama; thence North 90°00'00" East along the common line of said Lot 2B and Lot 1B a distance of 240.00 feet to a found W.S. capped iron; thence South 39°30'23" East along the common line of said Lot 2B and Lot 1B a distance of 508.99 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the left having a radius of 377.38 feet, a central angle of 39°05'50" and a chord bearing of South 59°03'18" East; thence in a Southeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 257.51 feet to a found rebar; said point lying on a curve to the left having a radius of 75.00 feet, a central angle of 151°28'09" and a chord bearing of South 89°47'47" East; thence in a Southeasterly, Easterly, and Northeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 198.27 feet to a found rebar; thence North 81°27'42" East along the common line of said Lot 2B and Lot 1B a distance of 185.70 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the right having a radius of 197.54 feet, a central angle of 37°15' and a chord bearing of South 79°54'48" East; thence in an Easterly and Southeasterly direction along the arc of said curve and along the common line of said Lot 2B and Lot 1B a distance of 128.43 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 61°17'08" East along the common line of said Lot 2B and Lot 1B a distance of 14.61 feet to a found rebar lying on the Northwesterly Right-of-Way line of Riverview Road, said point also lying on a curve to the right having a radius of 3779.83 feet, a central angle of 1°29'07" and a chord bearing of South 29°49'50" West; thence in a Southwesterly direction along the arc of said curve and said Northwesterly Right-of-Way line a distance of 97.98 feet to a set W.S. capped iron being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 30°34'20" West along said Northwesterly Right-of-Way line a distance of 80.84 feet to a found rebar, being the P.C. (Point of Curve) of a curve to the right having a radius of 228.06 feet, a central angle of 53°38'30" and a chord bearing of South 57°23'35" West; thence in a Southwesterly direction along the arc of said curve and said Northwesterly Right-of-Way line a distance of 213.52 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 84°12'50" West along said Northwesterly Right-of-Way line a distance of 95.62 feet to a found rebar, said point being the P.C. (Point of Curve) of a curve to the left having a radius of 499.28 feet, a central angle of 27°06'30" and a chord bearing of South 70°39'35" West; thence in a Southwesterly direction


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along the arc of said curve and along said Northwesterly Right-of-Way line a distance of 236.22 feet to a found rebar being the P.T. (Point of Tangent) of said curve; thence tangent to said curve South 57°06'20" West along said Northwesterly Right-of-Way line a distance of 565.19 feet to a found rebar, being the P.C. (Point of Curve) of a curve to the right having a radius of 256.63 feet, a central angle of 43°19'57" and a chord bearing of South 78°46'18" West; thence in a Southwesterly and Westerly direction along the arc of said curve and along the Northwesterly, Northerly and Northeasterly Right-of-Way line of said Riverview Road a distance of 194.09 feet to a found rebar, being the P.T. (Point of Tangent) of said curve; thence tangent to said curve North 79°33'43" West along said Northeasterly Right-of-Way line a distance of 7.35 feet to a found rebar lying on the West line of the NE 1/4 of said Section 35; thence North 00°01'06" East along the West line of said 1/4 section, the West line of said Lot 2B and along the East line of Lots 26, 25, 24, 23, 22 and 21 of Cahaba River Lake Estates Second Sector, as recorded in Map Book 70, Page 43 in the office of the Judge of Probate of Jefferson County, Alabama, and along the East line of the aforementioned Lot 16 of Cahaba River Lake Estates First Sector a distance of 1219.81 feet to a found W.S. capped iron and the Point of Beginning.

Containing 756,405 square feet or 17.365 acres.