

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

  
20060113000021740 1/4 \$95.00  
Shelby Cnty Judge of Probate, AL  
01/13/2006 08:58:25AM FILED/CERT

**ARTICLES OF INCORPORATION  
OF  
J. C. M. EXCAVATING, INC.**

**ARTICLE I**

The name of the corporation is **J. C. M. Excavating, Inc.**

**ARTICLE II**

The duration of the corporation is "perpetual".

**ARTICLE III**

The purpose for which the corporation is organized is the transaction of any and all lawful business for which corporations may be incorporated under the Alabama Business Corporation Act.

**ARTICLE IV**

The aggregate number of shares which the corporation shall have authority to issue is 1,000 shares of common stock, par value \$1.00 per share.

**ARTICLE V**

The principal and registered office or place of business of the corporation is 510 Falls Creek Drive, Helena, AL 35080. The registered agent of said corporation is Jack A. McGuire, Jr.

**ARTICLE VI**

The names and addresses of the incorporator:   Jack A. McGuire, Jr.  
510 Falls Creek Drive  
Helena, AL 35080

The name and address of the Director:         Jack A. McGuire, Jr.  
510 Falls Creek Drive  
Helena, AL 35080



## **ARTICLE VII**

The corporation shall have the right to purchase, take, receive or otherwise acquire, hold, own, pledge and transfer or otherwise dispose of its own shares. Purchases by the corporation of its own shares, whether direct or indirect, may be made to the extent of unreserved and unrestricted earned surplus and capital surplus of the corporation available therefor.

The corporation shall have and may exercise any and all powers which a corporation incorporated under the Alabama Business Corporation Act may have and exercise. Without in any way limiting the foregoing, this corporation shall have the power to endorse, or otherwise guarantee, or become a surety with respect to, or obligate itself for, without becoming liable therefore, nevertheless, to pledge or mortgage all or any part of its properties to secure the payment of the principal of, and interest on, or either thereof, any bonds including construction or performance bonds, debentures, notes, scrip, coupons, contracts or other obligations or evidences of indebtedness, or the performance of any contract, lease, construction, performance or other bond, mortgage, or obligation of any other corporation or association, domestic or foreign, or of any firm, partnership, joint venture, or other person whatsoever, in which this corporation may have a lawful interest, or on account of, or with respect to, any transaction in which this corporation shall receive any lawful consideration, advantage or benefit, on any account whatsoever. Irrespective of any other profit, consideration, if any, and irrespective of the relative net worth of the corporations, associations, or persons involved, and of the relative amounts of obligation involved, this corporation shall be deemed to have a lawful interest in any corporation, association, or person:



- A. which owns stock in this corporation, or
- B. which owns stock in another corporation, which owns stock in this corporation, or
- C. in which this corporation owns stock, or
- D. in which another corporation owns stock which also owns stock in this corporation, or
- E. in which any one or more persons who own stock in this corporation also owns stock, or
- F. which or who has entered into any contractual arrangement pursuant to which any such corporation or person undertakes corresponding or like obligations of endorsement, guarantee, or suretyship, with respect to all or any such obligations, evidence of indebtedness, or contracts of this corporation, or which may engage with this corporation, in the common facilities or services.

This corporation may elect to become a Subchapter S corporation, subject to accountant's advice.

IN WITNESS WHEREOF, the undersigned incorporator executed these Articles of Incorporation on this the 7 day of December, 2005.

  
JACK A. McGUIRE, JR.

This Document Prepared By:  
William E. Swatek, Esq.  
230 Bearden Road  
Pelham, AL 35124



Nancy L. Worley  
Secretary of State

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P.O. Box 5616  
Montgomery, AL 36103-5616

# STATE OF ALABAMA

I, Nancy L. Worley, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that

pursuant to the provisions of Section 10-2B-4.02, Code of Alabama 1975, and upon an examination of the corporation records on file in this office, the following corporate name is reserved as available:

**J. C. M. Excavating, Inc.**

This domestic corporation name is proposed to be incorporated in Shelby County and is for the exclusive use of WILLIAM SWATEK, 230 BEARDEN RD, PELHAM, AL 35124 for a period of one hundred twenty days beginning November 30, 2005 and expiring March 31, 2006.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day.

November 30, 2005

Date

*Nancy L. Worley*

Nancy L. Worley

Secretary of State