

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

STEWART TITLE GUARANTY COMPANY,

Plaintiff,

v.

TITLETECH SERVICES, INC., GLOBAL
ABSTRACT, LLC, and SEAN M. SWAFFORD,
individually and in his capacity as an agent of
TITLETECH SERVICES, INC., and as an agent
of GLOBAL ABSTRACT, LLC,

Defendants.

CIVIL ACTION NO. CV-06-1483

Filed In Open Court

THIS 6 day of Oct 2006

**ED RAMSEY
CIRCUIT JUDGE**

ORDER ISSUING IMMEDIATE PREJUDGMENT WRIT OF ATTACHMENT

Plaintiff, Stewart Title Guaranty Company ("Stewart Title") having made an emergency motion (the "Motion") for prejudgment writ of attachment in compliance with *Ala. Code* §§ 6-6-30, et seq., and *Ala. R. Civ. P.* 64, which Motion identified the defendant Sean M. Swafford ("Swafford"), against whom a final judgment has not yet been entered, as the owner of two parcels of real property (the "Real Property") described as follows:

- (1) Real property located at 120 Park Place Way, Alabaster, Alabama, Parcel ID Number 23-2-10-4-005-21, which is more particularly described as follows:

Lot 21, According to the Survey of Park Place, First Addition, Phase I, As Recorded in Map Book 15, Page 110, In the Probate Office of Shelby County, Alabama.

- (2) Real property located at 602 Old Towne Way, Alabaster, Alabama, Parcel ID Number 137353001002001, which is more particularly described as follows:

Lot 1, according to the Survey of Old Towne Forest, as recorded in Map Book 9, page 133, in the Office of the Judge of Probate of Shelby County, Alabama.

The Court having examined said motion, which states that Stewart Title's verified complaint in the above-styled civil action sounds in damages merely, that Swafford has fraudulently misappropriated escrowed funds and fraudulently withheld such misappropriated escrowed funds, and that said funds are liable to satisfy the claims of Stewart Title against Swafford; and based on the facts attested to in Stewart Title's verified complaint in this civil action, the facts attested to in the Affidavit of Michael Webber dated March 9, 2006 and filed of record in this case, the testimony offered and evidence admitted at the hearing held on Stewart Title's Emergency Motion for Temporary Restraining Order, Preliminary Injunction, and Prejudgment Writ of Attachment on March 20, 2006; and the Court having held a hearing (the "Hearing") on the Motion on October 6, 2006; and due and proper notice of the Hearing on the Motion having been made on all parties entitled to notice; and after due deliberation and sufficient cause appearing therefore; and the Court having found that the claim on which the Motion is based is one on which an attachment may issue, that plaintiff has established the probable validity of the claim on which the application is based, and that the attachment is not sought for a purpose other than the recovery on the claim on which the application is based; and Plaintiff having posted a sufficient bond in this case; and for the reasons stated by the Court at the Hearing, it is hereby, **ORDERED, ADJUDGED and DECREED** as follows:

(a) The Real Property is hereby attached to secure that the same shall be liable to satisfy any judgment for damages entered against Swafford in favor of Stewart Title in this civil action;

(b) Stewart Title is authorized to immediately levy upon the Real Property by recording this Order in the real property records of the Office of the Judge of Probate of Shelby County, Alabama;

(c) The levy upon the Real Property shall create attachment liens on the Real Property in favor of Stewart Title pursuant to Ala. Code § 6-6-76; and

(d) Stewart Title shall provide notice of the levy to Swafford in accordance with Ala.

Code § 6-6-82.

DONE this the 6 day of October, 2006.

Edward L. Ramsey

EDWARD RAMSEY, CIRCUIT JUDGE



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Shelby Cnty Judge of Probate, AL
10/06/2006 02:25:39PM FILED/CERT

I, Anne-Marie Adams, Clerk of the Circuit Court, of Jefferson County, do hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears of record in said Court.

WITNESS my hand and the seal of said Court,

this

the _____ day of **OCT 06 2006**

Anne-Marie Adams

Clerk

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