

FILED IN OPEN COURT

2001

This 20th day of August
Joseph Boothaker, Judge

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

ROY G. COWAN, individually and
as Executor for the ESTATE OF
MARTHA K. COWAN; et al.

Plaintiffs,

v.

COMMUNITY HOMEBANC, INC.;
et al.,

Defendants.

Case No: CV 0101028

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Shelby Cnty Judge of Probate, AL
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AMENDED CONSENT ORDER

This matter is before the Court on the Receiver's request to amend the Consent Order heretofore entered by this Court on the 1st day of August 2001. This Amended Consent Order being approved by the attorneys for the Plaintiffs and the Defendant Community HomeBanc, Inc., and after the Court having reviewed the same, it is hereby:

ORDERED, ADJUDGED and DECREED as follows:

1. That the Consent Order heretofore entered by this Court on August 1, 2001, is hereby Amended.

2. That Thomas E. Baddley is Receiver of certain assets tendered by Community HomeBanc pursuant to the Consent Order entered August 1, 2001, hereinafter referred to as the "Tendered Assets".

3. In addition to the powers granted to the Receiver in the Consent Order referenced hereinabove, the Receiver is hereby vested with the power to make such prudent and ordinary business decisions on a day-to-day basis concerning said Tendered

Assets, including but not limited to the continuation of servicing of the mortgages or loans and the power and ability to make decisions regarding the following:

- a. to settle litigation wherein monies are paid to the Receiver,
- b. the sale and transfer of property with a value of not more than \$50,000.00,
- c. the approval to file satisfaction of mortgages which have been paid,
- d. the right to approve foreclosure,
- e. the right to employ and/or terminate professionals and employees in furtherance of the servicing of the Tendered Assets,

- f. to continue the servicing of the mortgages,

4. That the Receiver shall be empowered to take all such necessary and prudent actions based on his reasonable business judgment to gather the Tendered Assets of the estate, and to continue the servicing of the mortgages in an orderly fashion.

5. That the Receiver shall provide regular accounting to the Plaintiffs, Community HomeBanc, Inc., and this Court of such activities, and the Court, if proper, shall ratify the actions of the Receiver.

6. That this Amended Consent Order is in addition to, and does not otherwise modify, the terms and provision of the Consent Order originally issued by the Court, but rather serves to extend the latitude and scope of the Receiver's ability to manage and otherwise handle the business affairs of the Tendered Assets placed in receivership by Community HomeBanc.

7. That this Amended Consent Order is entered with consent of all parties.

8. That this Order is entered without prejudice to any parties of the claims and defenses in this case, including, without limitation, the Plaintiffs right to seek

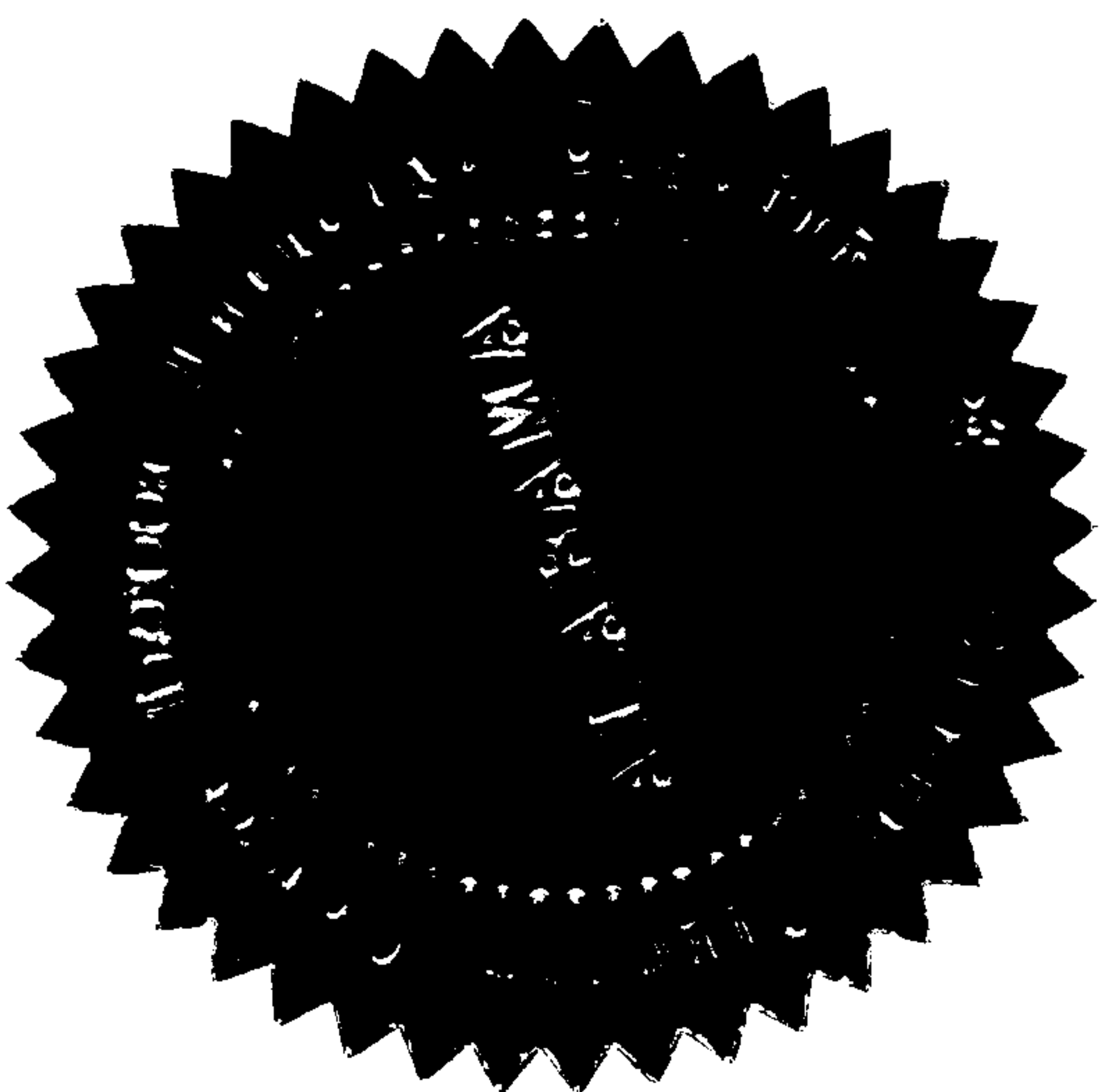
recovery of other assets and liability insurance proceeds for it, and this Court may modify
this Amended Order upon petition of any party upon good cause shown.

DONE and ORDERED this 20th day of August 2001.


CIRCUIT JUDGE

cc. Thomas E. Baddley, Jr., Esquire
Bruce Rogers, Esquire
Andrew P. Campbell, Esquire
Sam Franklin, Esquire
Richard Ogle, Esquire

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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 26th day of MAY, 2004

Anne-Marie Adams

Clerk

(P2)