

**VERIFIED STATEMENT OF LIEN**

STATE OF ALABAMA     )  
                                  )  
COUNTY OF SHELBY    )

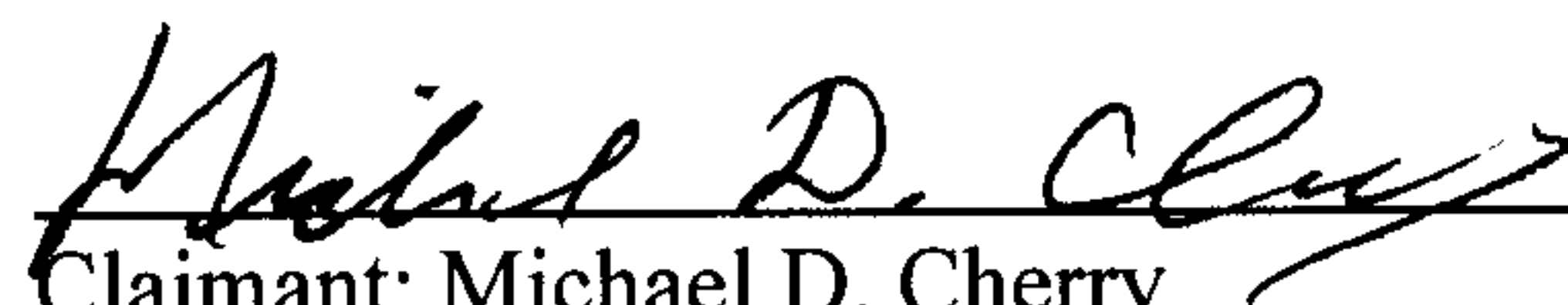
**Cherry Brothers, Inc.** ("Cherry") files this statement in writing, verified by the oath of Michael D. Cherry who has personal knowledge of the facts herein set forth:

That said Builder's claims a lien upon the following property, situated in Shelby County, Alabama, to wit: the property commonly known as McKenzie Manor, and situated in Shelby County, Alabama. The legal description is attached hereto as Exhibit "A":

This lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said property.

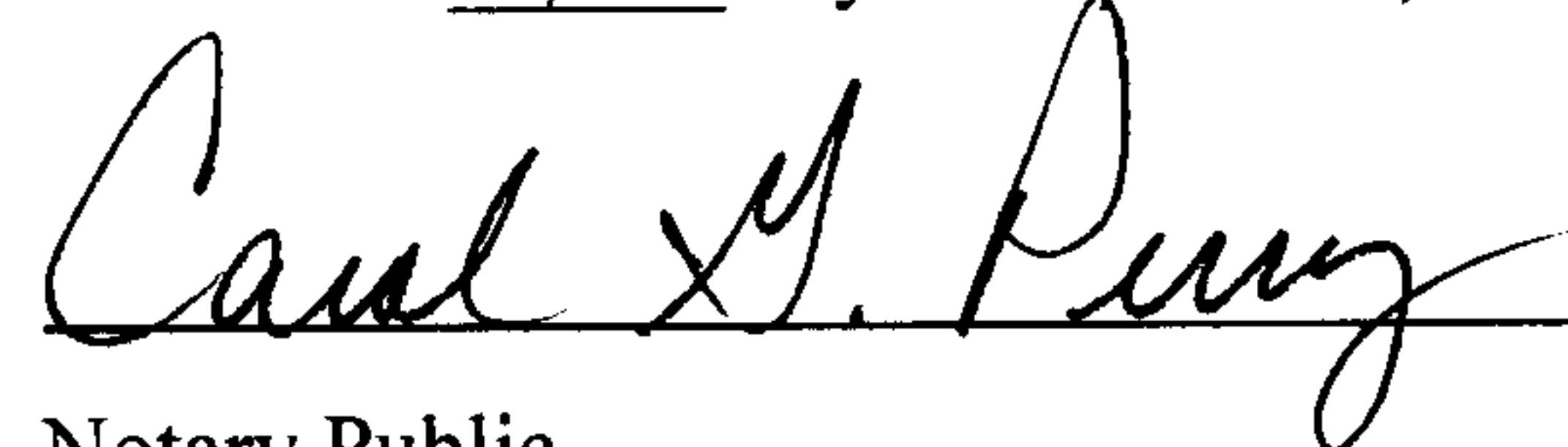
That said lien is claimed to secure an indebtedness of at least \$120,471.00, plus interest and attorneys' fees, a portion of which is due from at least to wit the 19th day of July, 2007 for the furnishing of work, services and materials used in the site improvements to the above-described property. The amount owed does not include amounts owed related to delays and lost profits.

The name of the owner or proprietor of the said property is McKenzie Manor, LLC.

  
Claimant: Michael D. Cherry  
Title: As: President  
                    of Cherry Brothers, Inc.

Before me, the undersigned, a notary public in and for the County of Jefferson, State of Alabama, personally appeared Michael D. Cherry who being duly sworn, doth depose and say: That 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 knowledge and belief.

Subscribed and sworn to before me  
on this the 11 day of September, 2007.

  
Notary Public  
My Commission Expires: 12/22/08



# EXHIBIT A LEGAL DESCRIPTION

20071004000465890 2/2 \$14.00  
Shelby Cnty Judge of Probate, AL  
10/04/2007 03:16:20PM FILED/CERT

## Parcel I:

Commence at the NW corner of the SW 1/4 of the NE 1/4 of Section 6, Township 22 South, Range 2 West; thence turn Eastwardly along the North line for a distance of 853.88 feet for the point of beginning; thence continue along last described course for a distance of 271.30 feet; thence turn an angle to the right of 84 deg. 42 min. 14 sec. for a distance of 434.12 feet to the South line of said 1/4 1/4; thence turn an angle to the right of 95 deg. 27 min. 20 sec. along said South line for a distance of 277.50 feet; thence turn an angle to the right of 84 deg. 48 min. 15 sec. for a distance of 1345.81 feet to the point of beginning. Less and except any part of subject property lying within a road right of way.

## Parcel II:

A parcel of land situated in the SW 1/4 of the NE 1/4 of Section 6, Township 22 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Commence at the NE corner of the SE 1/4 of the NE 1/4 of said Section 6; thence North 87 deg. 20 min. 08 sec. West a distance of 1319.15 feet to the point of beginning; thence South 01 deg. 39 min. 30 sec. East a distance of 742.37 feet; thence North 87 deg. 12 min. 15 sec. West a distance of 275.23 feet; thence North 01 deg. 17 min. 04 sec. West a distance of 741.39 feet; thence South 87 deg. 20 min. 08 sec. East a distance of 270.33 feet to the point of beginning. Less and except any part of subject property lying within a road right of way.

## Parcel III:

A parcel of land situated in the SE 1/4 of the NE 1/4 of Section 6, Township 22 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Begin at the NE corner of the SE 1/4 of the NE 1/4 of said Section 6; thence North 87 deg. 20 min. 08 sec. West a distance of 1319.15 feet; thence South 01 deg. 39 min. 30 sec. East a distance of 742.37 feet; thence South 01 deg. 58 min. 59 sec. East a distance of 586.36 feet; thence South 87 deg. 38 min. 13 sec. East a distance of 1216.85 feet; thence North 01 deg. 49 min. 04 sec. West a distance of 150.00 feet; thence South 87 deg. 38 min. 13 sec. East a distance of 100.00 feet; thence North 01 deg. 43 min. 22 sec. West a distance of 201.27 feet; thence North 01 deg. 48 min. 28 sec. West a distance of 166.11 feet; thence North 01 deg. 42 min. 08 sec. West a distance of 494.26 feet to the point of beginning. Less and except any part of subject property lying within a road right of way.

All being situated in Shelby County, Alabama.

20071004000465890 2/2 \$14.00  
Shelby Cnty Judge of Probate, AL  
10/04/2007 03:16:20PM FILED/CERT

RECORDER'S MEMORANDUM  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction.