


STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

  
20071113000521190 1/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
11/13/2007 03:32:12PM FILED/CERT

### VERIFIED CLAIM OF LIEN

Owens Professional Landscape Group, Inc., with its principal place of business at 7341 Cahaba Valley Road, Birmingham, Alabama 35242, by and through Vincent G. Nelan, Attorney-in-Fact, who has personal knowledge of the facts herein set forth, and that the same are true and correct to the best of his knowledge and belief, files this statement in writing, verified under oath.

Owens Professional Landscape Group, Inc. ("Owens Landscape") claims a lien upon certain real property owned by Continental 120 Fund, LLC, situated in Shelby County, Alabama located at 7278 Cahaba Valley Road, Birmingham, Alabama 35242. Upon information and belief, the property is more particularly described in the legal description attached hereto as **Exhibit A.**

This lien is claimed, separately and severally, as to the land, buildings and improvements thereon to the extent of the entire lot or 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-described land, buildings and improvements to secure the indebtedness owed by Hathaway Development Company, Inc., in the amount of \$52,063.09, plus interest, attorneys' fees, and costs, said sum being due and owing after all credits have been given, from the 1st day of August, 2007, which was the last day that work, labor, or materials

were utilized in the improvement of the property, and which sum, plus attorney's fees and interest thereon, is presently due and unpaid.

This sum of money is due and owing for materials, work and labor supplied by Owens Landscape, said materials and labor being used for improvements on the above-described real property. M & I Marshall & Ilsley Bank holds the mortgage on the above-described real property.

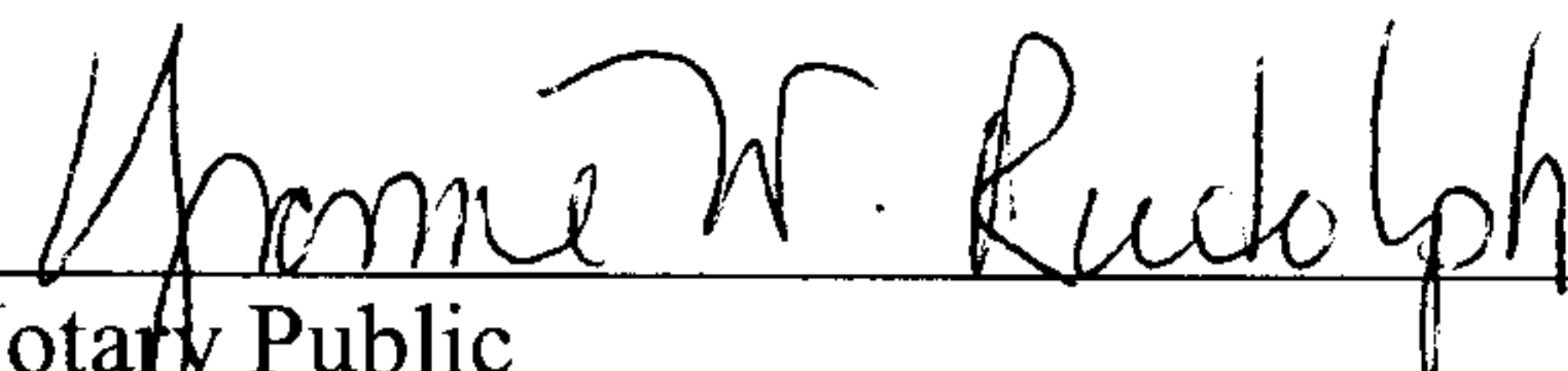


VINCENT G. NELAN  
Attorney-In-Fact for Owens Professional Landscape  
Group, Inc.

STATE OF ALABAMA     )  
COUNTY OF JEFFERSON )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that, W. Patton Hahn, Attorney-In-Fact for Webb Concrete and Building Materials, Inc., signed the foregoing Verified Claim of Lien, and who is known to me, subscribed and sworn to before me on this day that being informed of the contents of the Verified Claim of Lien, he, in his capacity as Attorney-In-Fact and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand this the \_\_\_\_\_ day of November, 2007.

  
Notary Public

My Commission Expires: \_\_\_\_\_

**My Commission**  
**expires June 6, 2009**

*This Instrument Prepared By:*

Vincent G. Nelan, Esq.

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C.

420 20<sup>th</sup> Street North

Wachovia Tower, Suite 1600

Birmingham, AL 35203

**EXHIBIT A**

Lot 1, according to the survey of Springs at Greystone, as recorded in Map Boob 35, page 96, in the Probate Office of Shelby County, Alabama.

TOGETHERWITH:

A permanent grading easement lying in Section 29, Township 18 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commencing at the Northeast corner of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 29; thence run South  $00^{\circ}14'00''$  West along the East line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  for a distance of 104.72 to the Point of Beginning; thence South  $65^{\circ}05'02''$  East leaving said East line a distance of 22.01 feet to a point; thence South  $00^{\circ}14'00''$  West for a distance of 220.45 feet to a point; thence run North  $53^{\circ}31'37''$  West a distance of 24.80 feet to a point on said East line; thence North  $00^{\circ}14'00''$  East for a distance of 214.99 feet to the Point of Beginning.