

Prepared by: Michael W. Lindsey, Esq. 300 Cahaba Park Circle, Ste 200, Birmingham, Al 35242

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

**VERIFIED STATEMENT OF LIEN**

NOW COMES **Flagler Construction Equipment, LLC** ("Flagler"), and files this statement in writing, verified by the oath of Cylinda McCool, the Credit Manager of Flagler, who has personal knowledge of the facts set forth herein:

That Flagler claims a lien upon the following property situated in Shelby County, Alabama, to-wit:

**See Attached Exhibit A**

This lien is claimed, separately and severally, as to the land, buildings and the improvements thereon to the extent of the entire lot or parcel, which is contained within the 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 and said land.

That the said lien is claimed to secure an indebtedness of Thirty-Eight Thousand Two Hundred Thirty-Seven and 27/100 Dollars (\$38,237.27), with interest and attorney's fees from, to-wit: the ninth (9<sup>th</sup>) day of April, 2007, for work, labor and materials furnished, to wit: rental equipment articulated hauler A30D. The labor and materials were provided to improve said property. The owner of the aforesaid property is: **CSX Transportation, Inc.**

Flagler Construction Equipment, LLC

By:

Cylinda McCool  
Cylinda McCool  
Credit Manager

STATE OF Florida     )  
COUNTY OF Orange    )

Before me, a Notary Public in and for said County, in said State, personally appeared Cylinda McCool, the Credit Manager of Flagler Construction Equipment, LLC, who being duly sworn, does depose and say: That she has personal knowledge of the facts set forth in the foregoing Verified Statement of Lien, and that the same are true and correct to the best of her knowledge and belief.

Cylinda McCool  
Cylinda McCool

Subscribed and sworn to before me on this the 19th day of November, 2007 by said Affiant.

Connie Jo Fleming  
Notary Public

My Commission Expires



**Connie Jo Fleming**  
Commission # DD592311  
Expires October 8, 2010  
Bonded Troy Fair - Insurance Inc. 800-365-7019



Exhibit A

20071127000538150 2/3 \$17.00  
Shelby Cnty Judge of Probate, AL  
11/27/2007 10:49:23AM FILED/CERT

LEGAL DESCRIPTION - PORTION OF PHILLIP R. HALLMARK AND EDITH F. HALLMARK

THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 2 EAST IN SHELBY COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING TWO INCH IRON PIPE ACCEPTED AS BEING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 1 EAST IN SHELBY COUNTY, ALABAMA AND WHOSE COORDINATES ARE BASED ON "GRID NORTH" IN ACCORDANCE WITH THE STATE PLANE OF ALABAMA, ZONE EAST, FROM THE NORTH AMERICAN DATUM OF 1983 (NAD83) AND WHOSE NORTHING IS 1213405.33 FEET AND WHOSE EASTING IS 2279153.25 FEET, THENCE SOUTH 01 DEGREES 09 MINUTES 16 SECONDS EAST, A DISTANCE OF 160.90 FEET TO A CALCULATED POINT IN THE EXISTING NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, SAID RIGHT-OF-WAY WIDTH BEING 100 FEET AS NOW ESTABLISHED; THENCE WITH THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, NORTH 48 DEGREES 16 MINUTES 32 SECONDS EAST A DISTANCE OF 164.74 FEET TO A CALCULATED POINT, A POINT OF TANGENCY; THENCE ALONG A CHORD BEARING AND DISTANCE OF NORTH 51 DEGREES 21 MINUTES 23 SECONDS EAST, 452.48 FEET TO A CALCULATED POINT IN THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, A POINT OF CURVE TO SPIRAL, THENCE ALONG A CHORD BEARING AND DISTANCE OF NORTH 65 DEGREES 09 MINUTES 45 SECONDS EAST, 386.69 FEET TO A CALCULATED POINT IN THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD; A POINT OF SPIRAL TO CURVE, THENCE ALONG A CHORD BEARING AND DISTANCE OF NORTH 79 DEGREES 00 MINUTES 32 SECONDS EAST, 490.43 FEET TO A NEW 5/8 INCH IRON REINFORCING BAR WITH ALUMINUM CAP STAMPED "CA-677-LS" AND WITNESSED BY A 6-FOOT METAL T-POST SET IN THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, SAID RIGHT-OF-WAY WIDTH BEING 100 FEET AS NOW ESTABLISHED, SAID IRON BAR MARKING THE SOUTHWEST CORNER OF PHILLIP R. HALLMARK AND EDITH F. HALLMARK AS RECORDED IN DEED BOOK 308, PAGE 529 IN THE OFFICE OF THE JUDGE OF PROBATE, SHELBY COUNTY, ALABAMA; ALSO SAID IRON BAR BEING THE POINT AND PLACE OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD WITH THE WESTERN LINE OF HALLMARK, A BEARING NON-PERPENDICULAR TO CSX TRANSPORTATION RAILROAD, NORTH 00 DEGREES 53 MINUTES 21 SECONDS WEST A DISTANCE OF 35.31 FEET TO A NEW 5/8 INCH IRON REINFORCING BAR WITH ALUMINUM CAP STAMPED "CA-677-LS" AND WITNESSED BY A 6-FOOT METAL T-POST SET IN THE WESTERN LINE OF HALLMARK;

THENCE LEAVING THE WESTERN LINE OF HALLMARK WITH A NEW LINE FOR HALLMARK, A BEARING PARALLEL WITH CSX TRANSPORTATION RAILROAD, NORTH 81 DEGREES 33 MINUTES 02 SECONDS EAST, A DISTANCE OF 168.56 FEET TO A NEW 5/8 INCH IRON REINFORCING BAR WITH ALUMINUM CAP STAMPED "CA-677-LS" AND WITNESSED BY A 6-FOOT METAL T-POST SET;

THENCE WITH A NEW LINE FOR HALLMARK, A BEARING RADIAL TO CSX TRANSPORTATION RAILROAD, SOUTH 08 DEGREES 26 MINUTES 58 SECONDS EAST A DISTANCE OF 20.00 FEET TO A NEW 5/8 INCH IRON REINFORCING BAR WITH ALUMINUM CAP STAMPED "CA-677-LS" AND WITNESSED BY A 6-FOOT METAL T-POST SET;



THENCE WITH A NEW LINE FOR HALLMARK ALONG A CURVE TO THE LEFT, PARALLEL WITH CSX TRANSPORTATION RAILROAD AND NON-TANGENT TO THE PRECEDING LINE, HAVING A RADIUS OF 1,525.15 FEET, AN ARC LENGTH OF 496.98 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 72 DEGREES 12 MINUTES 56 SECONDS EAST, 494.78 FEET TO A NEW 5/8 INCH IRON REINFORCING BAR WITH ALUMINUM CAP STAMPED "CA-677-LS" AND WITNESSED BY A 6-FOOT METAL T-POST SET;

THENCE WITH A NEW LINE FOR HALLMARK, A BEARING RADIAL TO CSX TRANSPORTATION RAILROAD AND NON-TANGENT TO THE PRECEDING CURVE, SOUTH 27 DEGREES 07 MINUTES 10 SECONDS EAST, A DISTANCE OF 15.00 FEET TO A NEW 5/8 INCH IRON REINFORCING BAR WITH ALUMINUM CAP STAMPED "CA-677-LS" AND WITNESSED BY A 6-FOOT METAL T-POST SET IN THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, SAID RIGHT-OF-WAY WIDTH BEING 100 FEET AS NOW ESTABLISHED;

THENCE WITH THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, ALONG A CURVE TO THE RIGHT, NON-TANGENT TO THE PRECEDING LINE, HAVING A RADIUS OF 1,540.15 FEET, AN ARC LENGTH OF 501.86 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 72 DEGREES 12 MINUTES 56 SECONDS WEST, 499.65 FEET TO A NEW 5/8 INCH IRON REINFORCING BAR WITH ALUMINUM CAP STAMPED "CA-677-LS" AND WITNESSED BY A 6-FOOT METAL T-POST SET, A POINT OF TANGENCY;

THENCE CONTINUING WITH THE NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, SOUTH 81 DEGREES 33 MINUTES 02 SECONDS WEST, A DISTANCE OF 173.21 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 0.31 ACRES (13,472 SQUARE FEET), MORE OR LESS, AND BEING A STRIP OF LAND THAT VARIES IN WIDTH, LYING PARALLEL WITH AND ADJACENT TO THE EXISTING NORTHERN RIGHT-OF-WAY LINE OF CSX TRANSPORTATION RAILROAD, ACROSS PROPERTY OWNED BY PHILLIP R. HALLMARK AND EDITH F. HALLMARK AS RECORDED IN DEED BOOK 308, PAGE 529 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA.

ALL AS SHOWN ON THAT CERTAIN MAP PREPARED BY ARCADIS DATED APRIL 25, 2007, ENTITLED "ALTA/ACSM LAND TITLE SURVEY FOR CSX REAL PROPERTY, INC. - WESTOVER SITE - PROPERTY OF PHILLIP R. HALLMARK AND EDITH F. HALLMARK", ARCADIS PROJECT NUMBER NCCSX030.