

Prepared by and return recorded document to:

Allan R. Popper, Agent  
Lienguard, Inc.  
1000 Jorie Blvd., Suite 270  
Oak Brook, IL 60523

**VERIFIED STATEMENT OF LIEN ON LEASEHOLD IMPROVEMENTS**  
(Ala. Code §: 35-11-213)

STATE OF ALABAMA  
COUNTY OF SHELBY

**North American Roofing Services, Inc.**, Claimant, files this statement in writing, verified by the oath of ALLAN R. POPPER, of Lienguard, Inc., it's agent, who has personal knowledge of the facts herein set forth:

Said Claimant claims a lien upon the following property to wit:

Property Information: 03 9 31 0 001 018.005, see attached legal description, all in the County of Shelby, State of Alabama.

Commonly known as: Brook Highland Plaza, Circuit City #3806, Birmingham, AL 35242-5315.

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

That said lien is claimed to secure an indebtedness, after all just credits have been given, of **\$79,868.00**, with interest, from to wit **October 10, 2008** for building material/related materials and/or labor, under a contract with **GS II Brook Highland, LLC, c/o Developers Diversified of Alabama, 3300 Enterprise Pkwy., Beachwood, OH 44122, Owner and Circuit City Stores, Inc., 9950 Mayland Drive, Richmond, VA 23233, Agent of Owner.**

The name of the owner or proprietor is: **GS II Brook Highland, LLC, c/o Developers Diversified of Alabama, 3300 Enterprise Pkwy., Beachwood, OH 44122, Owner and Circuit City Stores, Inc., 9950 Mayland Drive, Richmond, VA 23233, Agent of Owner.**

DATED: November 18, 2008

North American Roofing Services, Inc.

BY:

ALLAN R. POPPER, of Lienguard, Inc., Agent for  
North American Roofing Services, Inc.  
41 Dogwood Rd., Asheville, NC 28806

Before me, C. Danielle Doman, a notary public in and for the County of Cook, State of Illinois, personally appeared ALLAN R. POPPER, who being duly sworn, doth depose and says that he has personal knowledge of the facts set forth in the foregoing state of lien, and that the same are true and correct to the best of his knowledge and belief.

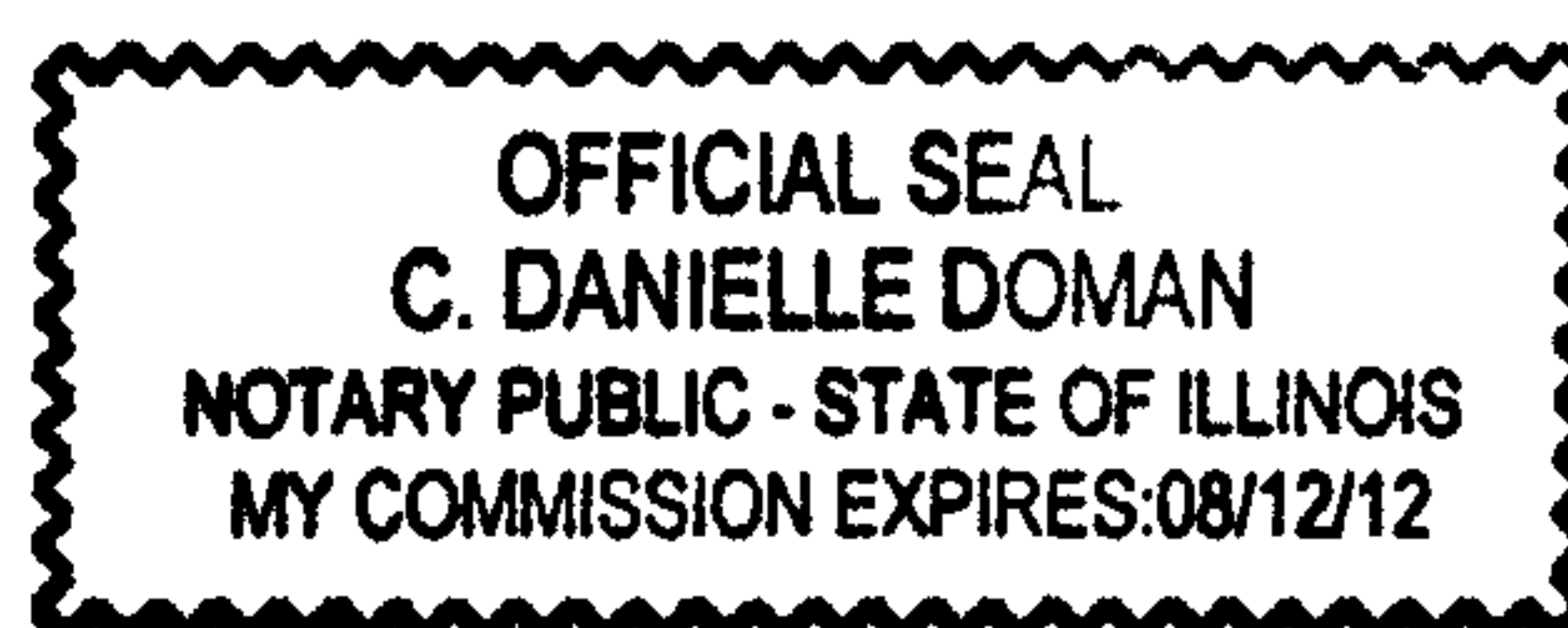
BY:

ALLAN R. POPPER, Affiant

Subscribed and sworn to before me on  
November 18, 2008, by said affiant.

  
C. DANIELLE DOMAN, Notary Public

File No: 84457-8-1



20081120000444620 2/5 \$23.00  
Shelby Cnty Judge of Probate, AL  
11/20/2008 11:27:50AM FILED/CERT

EXHIBIT A  
to  
Statutory Warranty Deed

Legal Description of Property

Lying and being in Shelby County, Alabama, and being more particularly described as that certain tract containing 57.395 acres, more or less, and designated as Lot 1 on that certain map entitled "Brook Highland Plaza" recorded in Map Book 16 at Page 102 in the Probate Office for Shelby County, Alabama.



**Fidelity National Title Insurance Company  
of New York**

**EXHIBIT A**  
(page 1 of 3)

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**EXHIBIT "A" (PHASE 1)**

The Land referred to in this Commitment is described as follows:

**PARCEL 1**

LOTS 1, 1A, 2, 2A, ACCORDING TO THE BROOK HIGHLAND PLAZA RESURVEY,  
AS RECORD IN MAP BOOK 18M PAGE 99 IN THE PROBATE OFFICE OF SHELBY  
COUNTY, ALABAMA, BEING SITUATED IN SHELBY COUNTY, ALABAMA.

TOGETHER WITH ALL FO THE BENEFICIAL RIGHTS AND INTERESTS IN THE  
EASEMENT UNDER THE FOLLOWING INSTRUMENTS:

1). DECLARATION OF EASEMENTS AND RESTRICTIONS CONVENATS (BROOK  
HIGHLAND DEVELOPMENT-1.35 ACRES OUT PARCEL) BY AMSOUTH BANK N.A.  
AS ANCILLARY TRUSTEE FOR NBNC NATIONAL BANK OF NORTH CAROLINA,  
AS TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO,  
DATED AUGUST 29, 1990, AND RECORDED IN REAL 307, PAGE 985, IN SAID  
PROBATE OFFICE.

2.) EASEMENT AGREEMENT DATED OCTOBER 12, 1993, BY AN BETWEEN  
AMSOUTH BANK N.A., AS ANCILLARY TRUSTEE FOR NATIONS BANK OF  
NORTH CAROLINA, N.A. AS TRUSTEE FOR THE PUBLIC EMPLOYEES  
RETIREMENT SYSTEM OF OHIO, AND BROOK HIGHLAND LIMITED  
PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP RECORDED AS  
INSTRUMENT # 1993-32515 IN SAID PROBATE OFFICE.

**PARCEL 2**

ALL BENEFICIAL RIGHTS IN EASEMENTS GRANTED TO DEVELOPERS  
DIVERSIFIED OF ALABAMA CORP., BY THE EASEMENT AGREEMENT DATED  
DECEMBER 30, 1994, BY AND BETWEEN BROOK HIGHLAND LIMITED  
PARTNERSHIP AND DEVELOPERS DIVERSIFIED OF ALABAMA., AS RECORDED  
AS RECORDED AS INSTRUMENT NO. 1994-37773 IN PROBATE OFFICE OF  
SHELBY COUNTY, ALABAMA.

ALL BEING SITUATED IN SHELBY COUNTY, ALABAMA.

THENCE RUN NORTH 64° 18'36" WEST A DISTANCE OF 37.79 FEET TO A POINT;  
THENCE RUN NORTH 73°31'00" WEST A DISTANCE OF 110.98 FEET TO A POINT;  
THENCE RUN NORTH 56 °07'21" WEST A DISTANCE OF 73.40 FEET TO A POINT;  
LOCATED ON THE TO A POINT LOCATED ON THE EASTERLY RIGHT OF WAY  
LINE OF BROOK-HIGHLAND PARKWAY (RIGHT OF WAY VARIES);  
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY  
LINE OF BROOK HIGHLAND PARKWAY NORTH 16°29'00" EAST A DISTANCE OF  
206.74 FEET TO A POINT;  
THENCE RUN ALONG THE COINCIDENT WITH THE EASTERLY RIGHT OF WAY  
LINE FO BROOK HIGHLAND PARKWAY NORTH 73°31'00" WEST A DISTANCE OF  
12.00 FEET TO A POINT; THENCE RUN ALONG AND COINCIDENT WITH THE  
EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY, ALONG





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**EXHIBIT "A" (Phase II)**  
(page 2 of 3)

The Land referred to in this Commitment is described as follows:

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN SECTION 31 ,  
TOWNSHIP 18 SOUTH RANGE 1 WEST, SHELBY COUNTY, ALABAMA BEING  
MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

**BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER  
OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SHELBY COUNTY,  
ALABAMA BEING SOUTH 89° 31'51" WEST A DISTANCE OF 848.96 FEET FROM  
THE NORTHEAST CORNER OF LOT 1, BROOK HIGHLAND PLAZA RESURVEY  
(MAP BOOK 18, PAGE 99);**

**THENCE RUN SOUTH 89°31'51" WEST A DISTANCE OF 50.00 FEET TO A POINT.  
THENCE RUN SOUTH 00°38'38" EAST A DISTANCE OF 300.00 FEET TO A POINT;  
THENCE RUN NORTH 89° 37'51" EAST A DISTANCE OF 20.00 FEET TO A POINT;  
THENCE RUN SOUTH 01° 36'53" EAST A DISTANCE OF 295.07 FEET TO A POINT;  
THENCE RUN SOUTH 89°31'51" WEST A DISTANCE OF 225.00 FEET TO A POINT;  
THENCE RUN SOUTH 00°38'38" EAST A DISTANCE OF 145.41 FEET TO A POINT;  
THENCE RUN SOUTH 88°24'44" WEST A DISTANCE OF 150.94 FEET TO A POINT;  
THENCE RUN ALONG THE ARC OF A CURVE AN ARC DISTANCE OF 325.14 FEET  
(SAID CURVE HAVING A RADIUS OF 910.27 FEET A CHORD BEARING OF NORTH  
81°24'44" WEST A CHORD DISTANCE OF 323.42 FEET) TO A POINT;  
THENCE RUN NORTH 71°10'44" WEST A DISTANCE OF 90.62 FEET TO A POINT;  
THENCE RUN NORTH 64° 18'36" WEST A DISTANCE OF 37.79 FEET TO A POINT;  
THENCE RUN NORTH 73°31'00" WEST A DISTANCE OF 110.98 FEET TO A POINT;  
THENCE RUN NORTH 56 °07'21" WEST A DISTANCE OF 73.40 FEET TO A POINT;  
LOCATED ON THE TO A POINT LOCATED ON THE EASTERLY RIGHT OF WAY  
LINE OF BROOK-HIGHLAND PARKWAY (RIGHT OF WAY VARIES);  
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY  
LINE OF BROOK HIGHLAND PARKWAY NORTH 16°29'00" EAST A DISTANCE OF  
206.74 FEET TO A POINT;  
THENCE RUN ALONG THE COINCIDENT WITH THE EASTERLY RIGHT OF WAY  
LINE FO BROOK HIGHLAND PARKWAY NORTH 73°31'00" WEST A DISTANCE OF  
12.00 FEET TO A POINT; THENCE RUN ALONG AND COINCIDENT WITH THE  
EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY, ALONG**



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THE ARC OF A CURVE AN ARC DISTANCE OF 254.68 FEET (SAID CURVE HAVING A RADIUS OF 310.47 FEET, A CHORD BEARING OF NORTH 39°59'00" EAST, AND A CHORD DISTANCE OF 247.60 FEET) TO A POINT;  
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY NORTH 26°31'00" WEST A DISTANCE OF 12.00 FEET TO A POINT;  
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY NORTH 63°29'00" A DISTANCE OF 518.37 FEET TO A POINT; THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY 29°31'00" WEST A DISTANCE OF 20.00 FEET TO A POINT;  
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY, ALONG THE ARC OF A CURVE AN ARC DISTANCE OF 501.28 FEET (SAID CURVE HAVING A RADIUS OF 635.12 FEET, A CHORD BEARING OF NORTH 40°52'21" EAST, A CHORD DISTANCE OF 488.37 FEET) TO A POINT; THENCE LEAVING THE RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY RUN SOUTH 89°50'48" EAST, A DISTANCE OF 85.21 FEET TO A POINT; THENCE RUN SOUTH 00°38'38" EAST, A DISTANCE OF 355.06 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT BEING DESIGNATED AS PROPOSED "PHASE II" ON THAT CERTAIN SURVEY FOR A.B. SHOPPING CENTERS PROPERTIES, PREPARED BY CARR & ASSOCIATES ENGINEERS, INC., BEARING THE SEAL AND CERTIFICATION OF BARTON F. CARR, REGISTERED PROFESSIONAL LAND SURVEYOR NO 16685, DATED NOVEMBER 25, 1994, LAST REVISED DECEMBER 21, 1994.