



20081210000462700 1/2 \$14.00
Shelby Cnty Judge of Probate, AL
12/10/2008 01:04:58PM FILED/CERT

This Instrument was prepared by:
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State of Wisconsin)
County of LaCrosse)

VERIFIED CLAIM OF LIEN

Trane US, Inc., a Corporation qualified to do business under the laws of the State of Alabama, by and through Robert Roers who has personal knowledge of the facts herein set forth, files this statement in writing, verified by his oath. Trane US, Inc., claims a lien upon certain real property located in Shelby County, Alabama, 5265 Highway 280 Brook Highland Plaza, Birmingham, Alabama 35242 more particularly described as follows, to-wit.

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

TOGETHER WITH ALL OF THE BENEFICIAL RIGHTS AND INTEREST IN THE EASEMENTS UNDER THE FOLLOWING INSTRUMENTS:

(i) DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS (BROOK HIGHLAND DEVELOPMENT- 1.35 ACRE 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 PROBATE OFFICE.

(ii) EASEMENT AGREEMENT DATED OCTOBER 12, 1993, BY AND BETWEEN AMSOUTH BANK, N.A., AS ANCILLARY TRUSTEE FOR NATIONSBANK 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 INST. #1993-32515 IN PROBATE OFFICE.

ALL BENEFICIAL RIGHTS IN EASEMENTS GRANTED TO DEVELOPERS DIVERSIFIED OF ALABAMA, INC. AN ALABAMA, INC. AN ALABAMA CORPORATION BY THE "EASEMENT AGREEMENT" DATED DECEMBER 30, 1994, BY AND BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., AS RECORDED IN INST, #1994-37773 AND RERECORDED AS INST. #1995-27233 IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA.

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



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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 mentioned land, buildings and improvements to secure the indebtedness owed by Circuit City Purchasing Company, LLC in the amount of Forty Four Thousand Three Hundred Forty Three and 00/100 (\$44,343.00) Dollars, said sum being due and owing after all credits have been given, from the 11th day of August, 2008, and which sum is presently due and unpaid.

This sum of money is due and owing for materials and labor supplied by Trane US, Inc., said materials and labor being used for construction of buildings and improvements on the above-described real property.

The owner(s) or proprietor(s) of the above -described real property is (are) Circuit City Stores, Inc.

Trane US, Inc.

by: Robert Roers
Robert Roers
Its: Financial Services Legal Case Manager

State of Wisconsin)
County of LaCrosse)

Before me, the undersigned, a Notary Public, in and for the County of LaCrosse, State of Wisconsin, personally appeared, Robert Roers who being duly sworn, deposes and says as follows: That he has personal knowledge of the facts set forth in the forgoing statement of lien and that the same are true and correct to the best of his knowledge, information and belief.

Robert Roers
Robert Roers

Sworn to and subscribed before me this the 9th day of December, 2008.

Diane Junpluth
Notary Public - my commission expires 1/30/11