

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

FRONTIER BANK,

Plaintiff,

v.

HOLLAND BUILDING COMPANY, LLC  
f/k/a DUTCH CONSTRUCTION, LLC, et al.,

Defendants.



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Shelby Cnty Judge of Probate, AL  
07/16/2009 02:45:44 PM FILED/CERT

CV-2009-900036

**ORDER**

This matter came before the Court on an "Application for Default, Motion for Default Judgment, and Motion for Summary Judgment" filed by Frontier Bank. After due consideration of the materials submitted and the pleadings in this matter, it is hereby determined that Holland Building Company, LLC f/k/a Dutch Construction, LLC ("Holland Building"), Ricky L. Yessick d/b/a Yessick Electric, Inc. ("Yessick"), Builders Firstsource-Southeast Group, LLC ("Builders Firstsource"), and 84 Lumber Company, L.P. ("84 Lumber") were properly served and have not filed an answer or otherwise appeared before this Court within the allotted time to answer the allegations in the Complaint. Therefore, a default is hereby entered against Holland Building, Yessick, Builders Firstsource, and 84 Lumber (collectively, the "Defaulting Defendants"). It is also hereby determined that Frontier Bank is entitled to a judgment by default against the Defaulting Defendants and a judgment as a matter of law against Christopher S. King and Tammy L. King (collectively, the "Answering Defendants").<sup>1</sup> Therefore, it is **ORDERED, ADJUDGED AND DECREED** as follows:

<sup>1</sup> This Court has previously entered a non-final judgment by default against the Defaulting Defendants. Said judgment, however, was incomplete in the relief it granted and is hereby withdrawn and replaced by this Order and the relief granted herein. This Court has previously entered final judgments in favor of the Plaintiff and against the only other Defendants




1. Holland Building is the owner of certain real property (the "Property") known as "Lot 15, according to the Survey of Willow Oaks, as recorded in Map Book 38, page 137A, B, & C, in the Probate Office of Shelby County, Alabama."
2. The Property and Holland Building's interest therein is subject to the mortgage (the "Mortgage") executed by Holland Building in favor of Frontier Bank on or about April 8, 2008 and recorded as Instrument No. 20080414000149750 in Office of the Judge of Probate of Shelby County.
3. Frontier Bank maintains the senior secured interest in, and the Mortgage is the senior lien against, said Property
4. The Mortgage and underlying debt at issue in this case are in default and those breaches and defaults have damaged Frontier Bank.
5. Frontier Bank is entitled to foreclose all of the Defendants' right, title, and interest in the Property.
6. Frontier Bank is hereby authorized to proceed with a non-judicial foreclosure sale of the Property in accordance with Ala. Code 1975, § 35-10-11, *et seq.*

*Costs of Court are taxed as paid.*  
Done this 17th day of June, 2009.

  
Circuit Court Judge

Certified a true and correct copy  
Date: 7/16/09

  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama

in this case – namely, Hydra Service, Inc. and Brown Lumber & Building Supply, Inc. Those judgments are unaffected by this Order.