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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA **APR 13 2009**

CIRCUIT & DISTRICT  
COURT CLERK  
SHELBY CO.

SHELBY CONCRETE COMPANY, INC., )

PLAINTIFF, )

VS. )

CASE NO. CV2009-900092.00

G. S. CONSTRUCTION, LLC, GARY C. )

DOWLING, HAMPTON PROPERTIES/ )

BENT CREEK, LLC, AND PINNACLE )

BANK, )

DEFENDANTS. )



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Shelby Cnty Judge of Probate, AL  
08/28/2009 11:50:35 AM FILED/CERT

**ORDER ON JOINT STIPULATION**

This cause came for consideration upon the Joint Stipulation For Entry Of Final Judgment (hereafter referred to as the "Joint Stipulation") entered into by and between Shelby Concrete Company, Inc. (hereafter referred to as "Plaintiff") and one of the Defendants, Pinnacle Bank (hereafter referred to as "Pinnacle"), which Joint Stipulation was filed with th Court on 3-23-2009. The Court has read and considered said Joint Stipulation and is of the opinion that the following is due to be rendered regarding same.

IT IS THEREFORE ORDER, ADJUDGED AND DECREED by the Court as follows:

1. The Court finds that there is no just reason for delay in rendering an order pursuant to the Joint Stipulation and hereby expressly directs the entry of this order pursuant to the Joint Stipulation and declares that this order is intended to and shall constitute a final judgment between the Plaintiff and Pinnacle pursuant to Rule 54(b) of the Alabama Rules Of Civil Procedure.

2. That Pinnacle Bank is not indebted to the Plaintiff in any way whatsoever under Count I through Count VI of Plaintiff's Complaint.

3. That the lien of Pinnacle's mortgage on the following described property, which mortgage was dated 6-17-2008 and recorded on 7-03-2008 as Instrument 20080703000270790 in the office of Judge of Probate of Shelby County, Alabama, has priority over any lien or liens claimed by the Plaintiff in this case:

LOT 87, according to the survey of Bent Creek Subdivision  
Sector 2, Phase I, as recorded in Map Book 39, Page 135, in the

Probate office of Shelby County, Alabama.

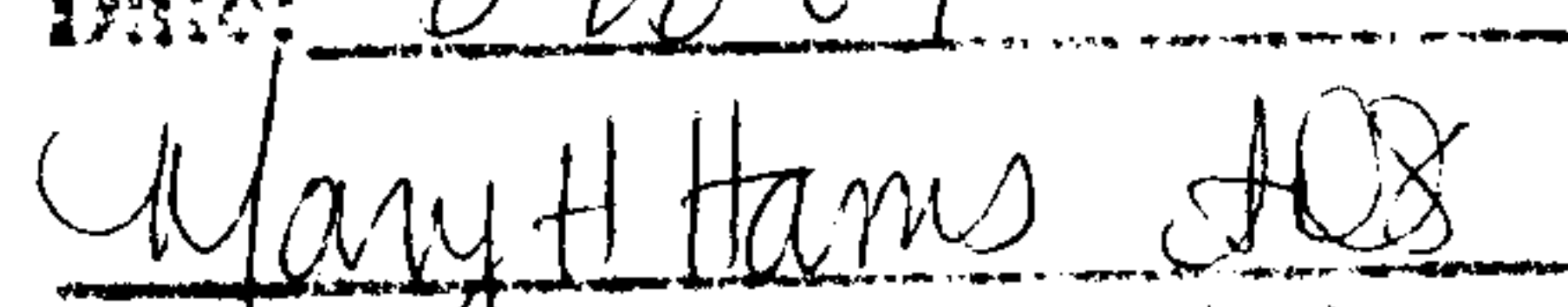
4. That the lien of Pinnacle's mortgage on the following described property, which mortgage was dated 6-17-2008 and recorded on 7-03-2008 as Instrument 20080703000270820 in the office of Judge of Probate of Shelby County, Alabama, has priority over any lien or liens claimed by the Plaintiff in this case:

LOT 88, according to the survey of Bent Creek Subdivision Sector 2, Phase I, as recorded in Map Book 39, Page 135, in the Probate office of Shelby County, Alabama.

5. Plaintiff and Pinnacle shall each bear their own costs associated with this matter.

6. All other claims remain pending.  
DONE AND ORDERED this the 24<sup>th</sup> the Month, 2009.

  
HEWITT L. CONWILL, CIRCUIT JUDGE

Certified a true and correct copy  
Date: 8-28-09  
  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama