

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CIVIL DIVISION

ROTHBERG, LOGAN & WARSCO, LLP

PLAINTIFF

vs

DEAN A. WILSON, JR.

DEFENDANT

CASE NO. :CV-2009-

757
RECEIVED AND FILED
MARY H. HARRIS

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO

**NOTICE OF FILING FOR
ENFORCEMENT OF FOREIGN JUDGMENT**

COMES NOW the Plaintiff, **Rothberg, Logan & Warsco, LLP**, by and through their attorney of record, B. Gant McNutt, in the above styled cause and would move this Honorable Court pursuant to § 6-9-232 Code of Alabama (1975) for an enforcement of a Foreign Judgment against the Defendant herein, **Dean A. Wilson, Jr.**, and as grounds therefor would respectfully show and represent unto this Honorable Court as follows:

1. That the Plaintiff is a banking corporation in the City of Fort Wayne, State of Indiana.

2. The Defendant is now a resident of the City of Columbiana, County of Shelby, and State of Alabama.

3. That the Plaintiff was also Plaintiff in a suit In The County Court In Jay County, Indiana., Case No. 38D01-0402-CC-32, styled *Rothberg, Logan & Warsco, LLP v. Dean A. Wilson, Jr.*, wherein Defendant herein was also Defendant in the above entitled and numbered cause.

4. The County Court of Jay County is and was, at and prior to the time of the institution of that cause, and is at this time a court having general jurisdiction. Personal service and process was made upon Defendant and the cause came on and for trial and a final judgment was rendered by the court in favor of Plaintiff against Defendant, on

April 1, 2004, for the sum of Five Thousand Five Hundred Sixty-Four and 30/100's (\$5,564.30) Dollars, and the costs of this action. An Exemplified copy of such judgment is attached, marked Exhibit "A", and incorporated herein by reference.

5. The judgment represents the sum of \$5,564.30 with interest thereon at the rate of 8% per annum from April 1, 2004.

6. There is no defense to this action.

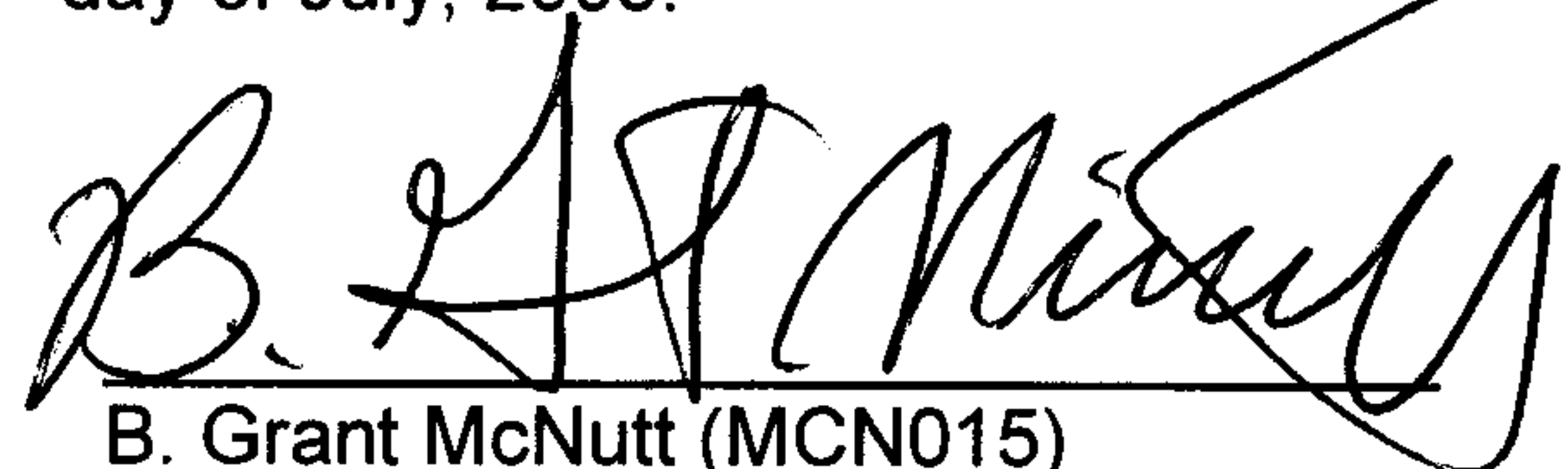
7. The judgment recovered against Defendant described above has not been paid.

8. Defendant is here and now put on notice of the Exemplified copy of the judgment and order of said Case No. 38D01-0503-CC-32, styled *Rothberg, Logan & Warsco, LLP v. Dean A. Wilson, Jr.* in the Jay Superior Court of Jay County, Indiana, attached, marked Exhibit "A".

9. That the Affidavit of B. Grant McNutt, lawyer as set forth in § 6-9-233 (a) Code of Alabama (1975) is attached hereto as Exhibit "B".

WHEREFORE, Plaintiff prays that the Clerk of this Honorable Court will mail this document as notice by the Plaintiff of a judgment against the Defendant for the sum of \$5,564.30 with interest thereon at the rate of 8% per annum from April 1, 2004, for reasonable attorney's fees, for costs of court in this cause, and for such other and further relief, general, special, legal, and equitable as plaintiff may be justly entitled.

Respectfully submitted this the 28th day of July, 2009.



B. Grant McNutt (MCN015)
Attorney for the Plaintiff
Jackson, Mays, McNutt, Cook & Slatton, LLC
P.O. Box 819
Haleyville, AL 35565



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Shelby Cnty Judge of Probate, AL
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Plaintiff's Address:

c/o B. Grant McNutt, Esq.
Jackson, Mays, McNutt, Cook & Slatton, LLC
P.O. Box 819
Haleyville, AL 35565

Defendant's Address:

535 Hicks St., Apt 6J
Columbiana, AL 35051

Exhibit "A"

STATE OF INDIANA)

COUNTY OF JAY)

SS:

IN THE JAY SUPERIOR COURT

CAUSE NO. 38D01-0402-CC-32

ROTHBERG LOGAN & WARSCO LLP)

Plaintiff)

vs.)

DEAN A. WILSON, JR.)

Defendant)

FILED

APR 01 2004

Jane Ann Runyon
CLERK JAY SUPERIOR COURT

ORDER GRANTING DEFAULT JUDGMENT

This matter was submitted to the Court on Plaintiff's Motion for Default Judgment and accompanying Affidavits. The Court having considered said Motion and Affidavits and being fully advised in the premises, finds as follows:

1. That this Court has jurisdiction over the parties and subject of this cause of action.
2. That the Complaint was filed herein on February 24, 2004.
3. That the Complaint and Summons were served upon the Defendant, Dean A. Wilson, Jr..
4. That no answer has been filed by the Defendant, nor by any representative for the Defendant, and the time to answer Plaintiff's Complaint has expired.

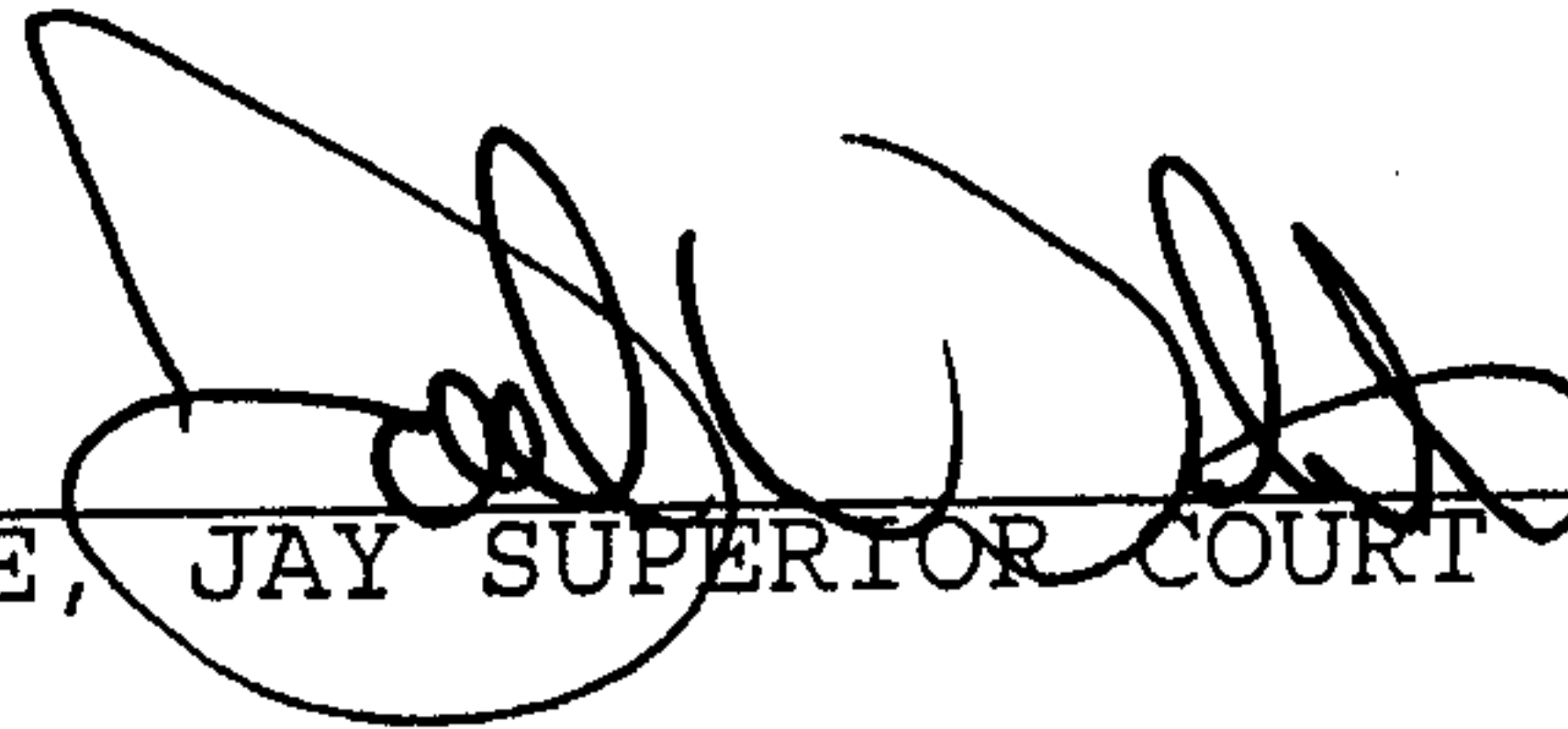
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, Rothberg Logan & Warsco LLP, have and recover a judgment against the Defendant, Dean A. Wilson, Jr., in the amount of \$3117.59, plus prejudgment interest at the rate of 0.85 per day from 06/28/2001 in the amount of \$1408.21, and attorney fees of \$1038.50, for a total judgment in the sum of \$5564.30, and the costs of this action.



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Shelby Cnty Judge of Probate, AL
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Ordered this

April 1, 2004



JUDGE, JAY SUPERIOR COURT

cc: Dean A Wilson
10393 W Division Rd
Dunkirk IN 47336

David R. Smelko
P. O. Box 11647
Fort Wayne, IN 46859-1647

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Shelby Cnty Judge of Probate, AL
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STATE OF INDIANA
COUNTY OF JAY
CERTIFIED TO BE A TRUE AND CORRECT COPY
OF THE ORIGINAL IN MY CUSTODY.
GIVEN UNDER MY HAND AND SEAL OF OFFICE.
DATE June 19th, 20 09
Ellen Coats
CLERK, JAY CIRCUIT COURT

**STATE OF INDIANA
COUNTY OF JAY, SS**

I, Max Ludy , sole Judge of the Jay Superior Court, located in Portland, Jay County, Indiana , do hereby certify that the foregoing attestation and certificate of Ellen Coats are in due form of law, and that the said Ellen Coats is, and at the time of making said attestation and certificate was the Clerk of said Jay Superior of said State and the proper officer to make said attestation and certificate, and that the signature thereto is genuine, and that as such Clerk, she is the sole custodian of papers, files, documents proceedings, records and seals of said Court.

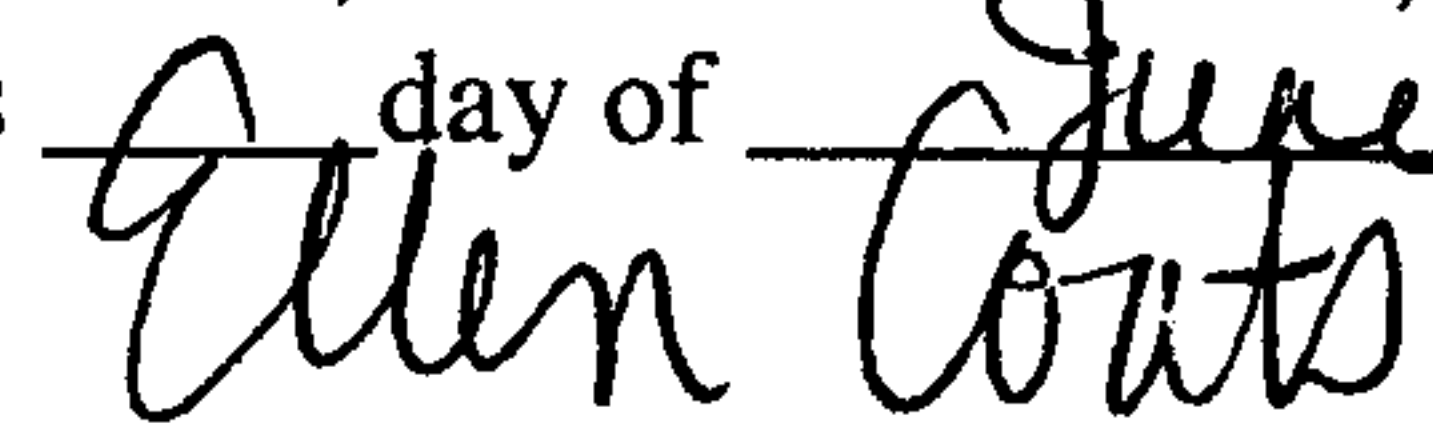
WITNESS my hand and the Seal of
said Court affixed at Portland, Indiana
This 19th day of JUNE, 2009


MAX C. LUDY JR.
JUDGE, JAY SUPERIOR COURT

**STATE OF INDIANA
COUNTY OF JAY, SS:**

I, Ellen Coats, Clerk of the Jay Superior Court, located in Portland, Jay County, Indiana, do hereby certify that Max C. Ludy, whose signature appears to the foregoing certificate, is and was at the time of signing said Certificate, the sole presiding Judge of said Jay Superior Court, duly commissioned and qualified in accordance with the laws of the State of Indiana.

WITNESS my hand and the Seal of
said Court, affixed at Portland, Indiana
This 19th day of June, 2009


ELLEN COATS
CLERK, JAY SUPERIOR COURT



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Shelby Cnty Judge of Probate, AL
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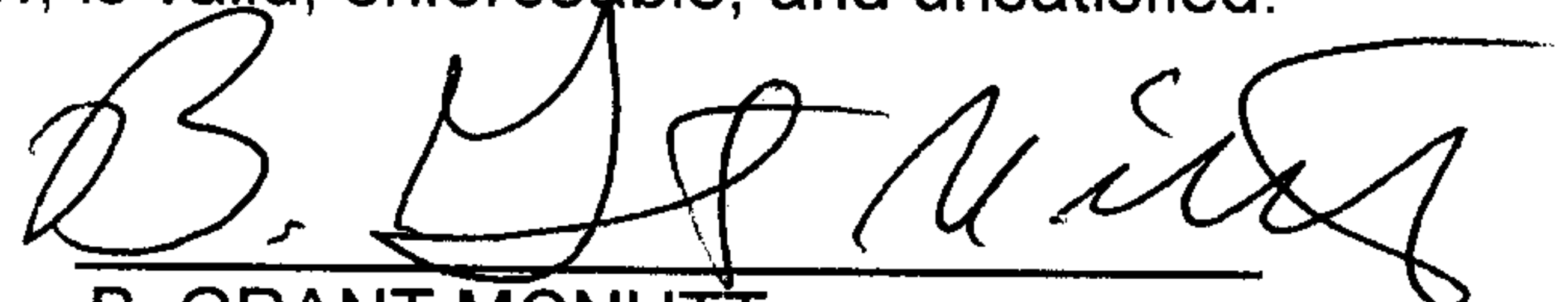
DEFENDANT

CASE NO. : CV-2009- 757

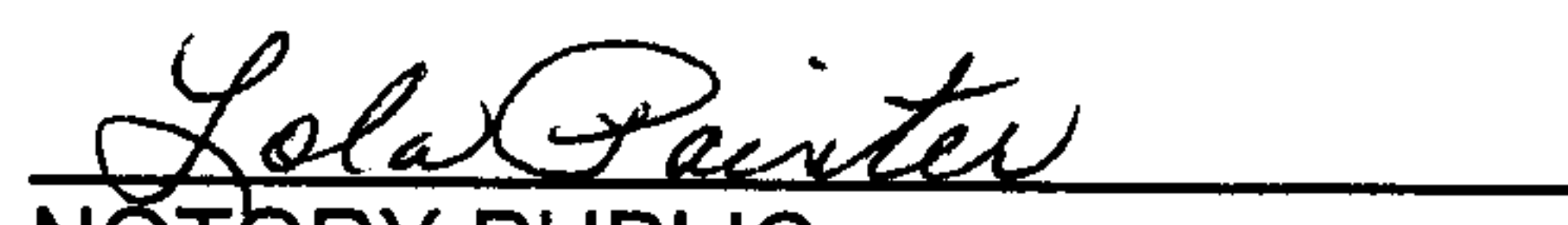
AFFIDAVIT

B. Grant McNutt, being first duly sworn, does depose and say on oath as follows:

1. That he is the attorney of record for the Plaintiff, in the above styled cause, and as such has personal knowledge of the facts set forth in this affidavit.
2. That the judgment creditor is Rothberg, Logan, & Warsco, LLP and its Post Office address is P.O. Box 11194, Fort Wayne, Indiana 46859-1622.
3. That the judgment debtor is Dean A. Wilson, Jr. and his last known address is 535 Hicks St., Apt. 6J, Columbiana, AL 35051.
4. That the foreign judgment In The Jay Superior Court of Jay County, Indiana, Case No. 38D01-0402-CC-32, styled *Rothberg, Logan & Warsco, LLP v. Dean A. Wilson, Jr.*, is valid, enforceable, and unsatisfied.


B. GRANT MCNUTT

SWORN TO AND SUBSCRIBED before me on this the 28th day of July, 2009.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 10-15-2011



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Shelby Cnty Judge of Probate, AL
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