

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FERRIS & SCHOEMAN, LLC d/b/a
KILIWARRIOR EXPEDITIONS,

Plaintiff/Judgment Creditor,

vs.

DANA COLLUCI,

Defendant/Judgment Debtor.

CIVIL ACTION NO. Y 200902710

NOTICE OF FILING FOREIGN JUDGMENT FILED IN OFFICE

TO: Ms. Dana Colluci
555 Founders Park Circle
Hoover, Alabama 35226

Ms. Anne-Marie Adams
Clerk of Court
Circuit Court of Jefferson County, Alabama
Jefferson County Courthouse, Room 400
716 North Richard Arrington, Jr. Boulevard
Birmingham, Alabama 35203

SEP 10 2009
ANNE-MARIE ADAMS
Clerk

PLEASE TAKE NOTICE that on this date the undersigned counsel for Ferris & Schoeman, LLC d/b/a Kiliwarrior Expeditions ("Kiliwarrior Expeditions"), pursuant to ALA. CODE §§ 6-9-232 and 6-9-233, has filed the following for the purpose of transferring and collecting on a foreign judgment obtained against Ms. Dana Colluci ("Ms. Colluci"), who is a resident of Jefferson County, Alabama and over the age of nineteen (19) years:

1. A certified copy of the Final Order entered on August 5, 2009, by the Circuit Court for Botetourt County, Virginia, by which a default judgment was

entered against Ms. Colluci and in favor of Kiliwarrior Expeditions in the civil action in that Court styled *Ferris & Schoeman, LLC d/b/a Kiliwarrior Expeditions v. Dana Colluci*, Case No. CL09-461 (referred to hereinafter as the "Judgment"). The Judgment further awarded to Kiliwarrior Expeditions from Ms. Colluci the monetary sum of \$21,995.00, plus interest at the rate of 6% from December 18, 2008, and court costs of \$112.00. (The certified copy of the Judgment is attached hereto as Exhibit A and incorporated herein by reference.)

2. An Affidavit of Isak J. Howell, Esq., one of the attorneys for Kiliwarrior Expeditions, which is attached hereto as Exhibit B and incorporated herein by reference. In the Affidavit, Mr. Howell testified, among other things, that Ms. Colluci is a resident of Jefferson County, Alabama and the Judgment is valid, enforceable, and remains unsatisfied.

WHEREFORE, based on the foregoing and in accordance with Alabama's Uniform Enforcement of Foreign Judgments Act, ALA. CODE §§ 6-9-230, *et seq.*, Kiliwarrior Expeditions requests that the Clerk of Court (a) note the filing of the attached Judgment in this Court's special docket set up for foreign judgments and (b) mail a copy of this Notice of Filing Foreign Judgment to Ms. Colluci at the above-listed address. As indicated by the Certificate of Service, counsel for Kiliwarrior Expeditions has on this date served a copy of this Notice to Ms. Colluci by regular and certified U.S. Mail at the above-listed address.

This the 10th day of September, 2009.

Attorneys for Plaintiff/Judgment Creditor,
Ferris & Schoeman, LLC d/b/a
Kiliwarrior Expeditions:



Michael E. Turner (TUR015)



Jason W. Bobo (BOB003)

OF COUNSEL:

CABANISS, JOHNSTON, GARDNER,
DUMAS & O'NEAL LLP

2001 Park Place North, Suite 700

Birmingham, Alabama 35203

Telephone: (205) 716-5200

Facsimile: (205) 716-5389

E-Mail: met@cabaniss.com / jwb@cabaniss.com

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the above and foregoing NOTICE OF FILING FOREIGN JUDGMENT has been filed with the Alabama Judicial System's electronic filing system, AlaFile.com, and a copy was served on the defendant/judgment debtor, Ms. Dana Colluci, by placing a copy of the same in the regular and certified U.S. Mail, properly addressed and postage prepaid, as follows:

Ms. Dana Colluci
555 Founders Park Circle
Hoover, Alabama 35226

This the 10th day of September, 2009.


OF COUNSEL

EXHIBIT A

0 0004



20091019000392370 4/10 \$38.00
Shelby Cnty Judge of Probate, AL
10/19/2009 10:20:14 AM FILED/CERT

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF BOTETOURT

FERRIS & SCHOEMAN, LLC d/b/a
KILIWARRIOR EXPEDITIONS

Plaintiff,

v.

DANA COLLUCI

Defendant.

Case No. CL09-461

FINAL ORDER

CAME TODAY the Plaintiff, Ferris & Schoeman, LLC d/b/a Kiliwarrior Expeditions ("Kiliwarrior"), by counsel, on its Motion for Default Judgment filed pursuant to Rule 3:19 of the Rules of the Supreme Court of Virginia against Defendant, Dana Colluci.

Based on the allegations set forth in the Motion for Default Judgment, the pleadings on file, and it otherwise appearing proper, the Court finds that Dana Colluci was properly served with the Summons and Complaint in this matter and that, pursuant to the law of Virginia, her deadline to respond to the Complaint was July 8, 2009, and that she failed to respond within the time permitted by law.

Accordingly, it is hereby ORDERED that Dana Colluci is in default and the Plaintiff's Motion for Default Judgment against Dana Colluci is hereby GRANTED.

The Court further ORDERS that Ferris & Schoeman, LLC d/b/a Kiliwarrior Expeditions shall recover from Defendant, Dana Colluci, the sum of \$21,995.00, plus interest at the rate of 6% from December 18, 2008, and \$112.00 as the costs of this proceeding.



The Court further ORDERS that it takes no jurisdiction over Ms. Colluci's Counterclaim filed with this Court on July 9, 2009, and that counterclaim is DISMISSED, without prejudice.

As Ms. Colluci is in default, her endorsement to this Order is dispensed with pursuant to Rule 1:13 of the Rules of the Supreme Court of Virginia.

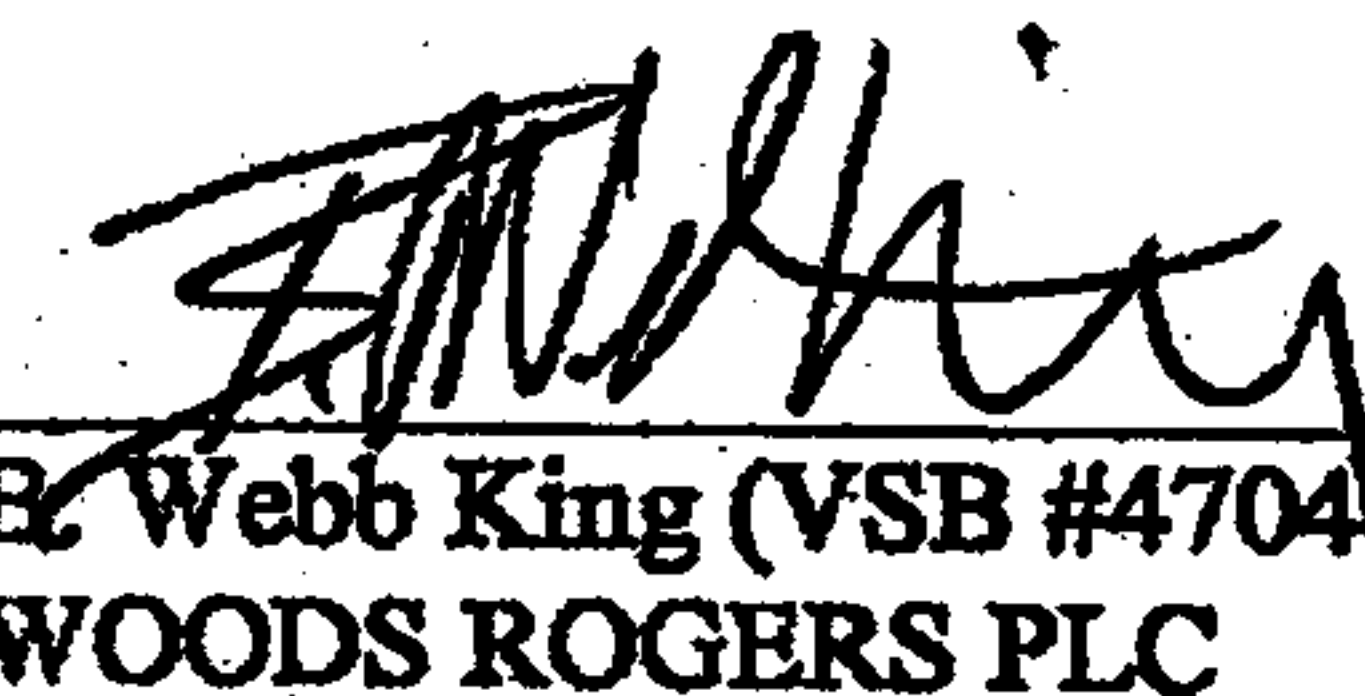
The Clerk is directed to send a certified copy of this Order to counsel for the Plaintiff and to Dana Colluci, *pro se*, 555 Founder's Park Circle, Hoover, AL 35226.

There being nothing further to be done in this matter, this action shall be dismissed and stricken from the active docket of this Court.

ENTER this 5th day of August, 2009.


CIRCUIT COURT JUDGE

We ask for this:


R. Webb King (VSB #47044)
WOODS ROGERS PLC
10 South Jefferson Street
Wachovia Tower, Suite 1400
Post Office Box 14125
Roanoke, Virginia 24038-4125
Phone: (540) 983-7600
Fax: (540) 983-7711
Counsel for Plaintiff


A COPY TESTE:
TOMMY L. MOORE, CLERK
BOTETOWN COUNTY CIRCUIT COURT
BY:  DEPUTY CLERK



EXHIBIT B

0 0007



20091019000392370 7/10 \$38.00
Shelby Cnty Judge of Probate, AL
10/19/2009 10:20:14 AM FILED/CERT

AFFIDAVIT OF ISAK J. HOWELL

STATE OF VIRGINIA)

CITY OF ROANOKE)

I, Isak J. Howell, hereby state that the following facts are true and accurate based upon my own personal knowledge:

1. My name is Isak J. Howell. I am over the age of nineteen (19) years.
2. I am licensed to practice law in the Commonwealth of Virginia. I am an attorney with the law firm of Woods Rogers PLC, in Roanoke, Virginia.
3. My law firm was hired by Ferris & Schoeman, LLC, d/b/a Kiliwarrior Expeditions ("Kiliwarrior Expeditions") to pursue legal action against Dana Colluci for a claim of breach of contract. That action was filed in the Botetourt County Circuit Court and was styled *Ferris & Schoeman, LLC d/b/a Kiliwarrior Expeditions v. Dana Colluci*, Case number CL09-461 (hereinafter, the "Lawsuit").
4. On August 5, 2009, a default Judgment was obtained by Kiliwarrior Expeditions in the Lawsuit against Ms. Colluci in the amount of \$21,995.00, plus interest at the rate of 6% from December 18, 2008 and \$112.00 in costs. The time for Ms. Colluci to file an appeal of this Judgment expired on September 4, 2009, without her having filed an appeal or otherwise having filed any post-judgment motion.

5. The August 5, 2009 Judgment against Ms. Colluci in favor of Kiliwarrior Expeditions is valid, enforceable, and unsatisfied.

6. Kiliwarrior Expeditions' address is: c/o Eben Schoeman, P.O. Box 265, Troutville, VA 24175.

7. Ms. Colluci's last known address is 555 Founders Park Circle, Hoover, Alabama 35226. To my knowledge, she is not represented by a lawyer.

8. I am submitting this Affidavit to aid in Kiliwarrior Expedition's efforts to transfer the Judgment to the State of Alabama and to execute and collect on the same.

This the 8th date of September, 2009.

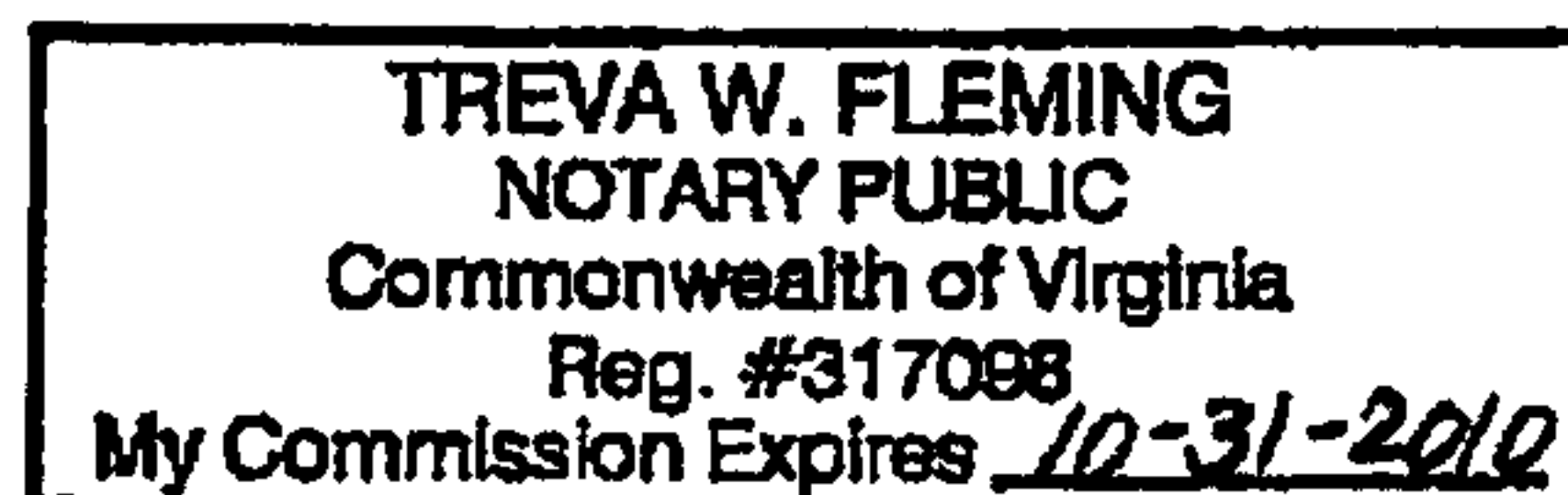

ISAAC J. HOWELL


Sworn to and subscribed before me,
this the 8th date of September, 2009.


NOTARY PUBLIC

My commission expires: 10-31-2010

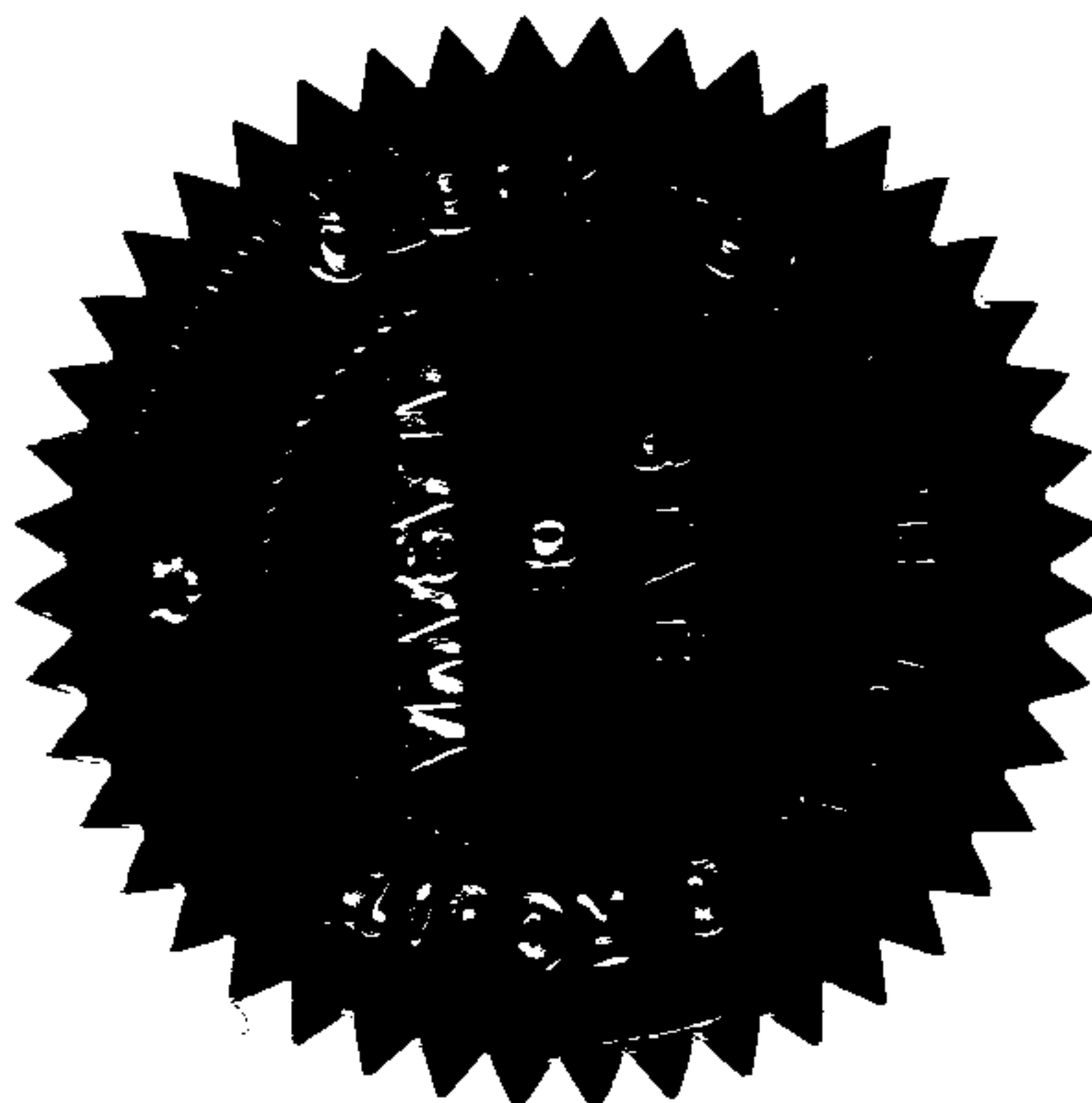
Affix Seal:




20091019000392370 9/10 \$38.00
Shelby Cnty Judge of Probate, AL
10/19/2009 10:20:14 AM FILED/CERT



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Shelby Cnty Judge of Probate, AL
10/19/2009 10:20:14 AM FILED/CERT



I, Anne-Marie Adams, Clerk of the Circuit Court, of Jefferson County, do hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears of record in said Court.

WITNESS my hand and the seal of said Court,
this OCT 16 2009 9 pages

the _____ day of _____ 20 _____

Anne-Marie Adams
CLERK