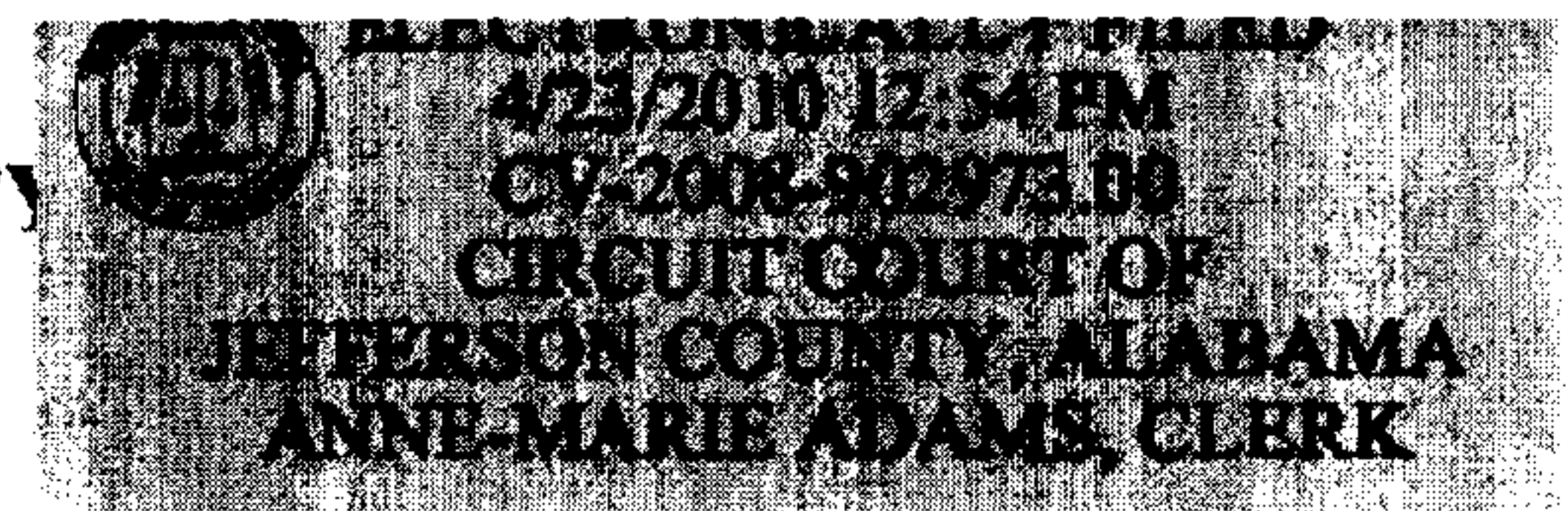
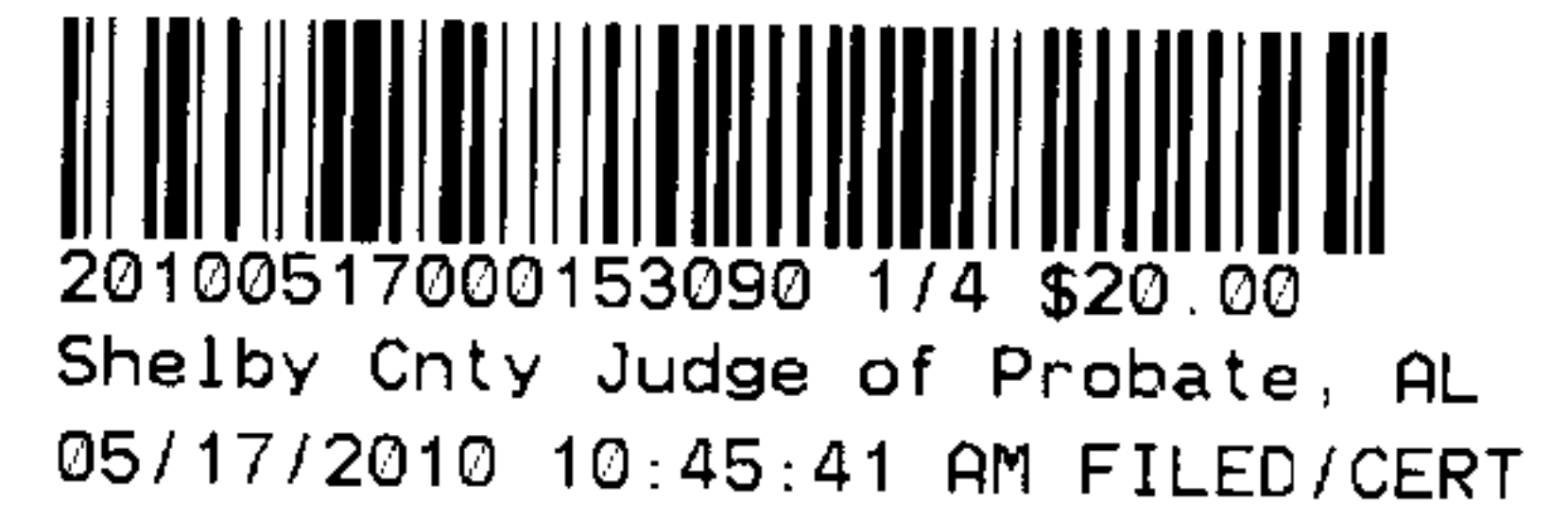


IN THE CIRCUIT COURT OF JEFFERSON COUNTY
CIVIL DIVISION / BIRMINGHAM



FIRST COMMERCIAL BANK)
)
Plaintiff,)
)
Vs.)
)
CHARLES STEPHENS, a/k/a)
CHARLES H. STEPHENS,)
)
Defendant,)

CV 08-902973-MGG



ORDER GRANTING
PLAINTIFF'S THIRD MOTION FOR CHARGING ORDER

Plaintiff First Commercial Bank ("*FCB*") filed its THIRD MOTION FOR CHARGING ORDER (the "*Motion*") in this Court on April 7, 2010. In the Motion, the Plaintiff requested that the Court enter an order charging the partnership interests of Charles Stephens, also known as Charles H. Stephens (the "*Defendant*" or "*Charles Stephens*"), in the following limited liability partnerships (hereinafter, the "*LLPs*") with the payment of the Plaintiff's \$737,685.88 judgment (the "*Judgment*") against the Defendant pursuant to Ala. Code § 10-8A-504(a)[1975]:

- a. Broad Horizons Properties, L.L.P.
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203
- b. Commerce Square Business Park, L.L.P.
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203
- c. Avondale Commercial Park, LLP
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203
- d. Avondale Commerce Park, Phase III, LLP
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203

ORDER GRANTING MOTION FOR CHARGING ORDER
CV 08-902973-MGG

- e. Avondale Commerce Park, Phase IV, LLP
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203
- f. Southside Business Center, LLP
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203
- g. Valley East Properties, L.L.P.
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203
- h. Broad Horizons Investments L.L.P
c/o Marc A. Eason, Registered Agent
505 20th Street North, Ste. 700
Birmingham, Alabama 35203

The Plaintiff further requested that the Court enter an order proscribing Charles Stephens from assigning or transferring his interests in the LLPs pending the satisfaction of FCB's Judgment.

Based upon the Court's review of the Motion and its consideration of the pleadings and the record, and, over the objections of Defendant's counsel, the Court **FINDS** that the Motion is due to be, and is hereby, **GRANTED**.

Therefore, it is **ORDERED** and **DIRECTED** as follows:

1. The partnership interests of Charles Stephens, also know as Charles H. Stephens in the LLPs is **CHARGED** with payment of the Plaintiff's Judgment against the Defendant;
2. The Defendant is **PROSCRIBED** from assigning or transferring any of his interests in Broad Horizons Properties, L.L.P., Commerce Square Business Park, L.L.P., Broad Horizons Investments L.L.P., Valley East Properties, L.L.P., Southside Business Center, LLP, Avondale Commercial Park, LLP, Avondale Commerce Park, Phase III, LLP., and Avondale Commerce Park, Phase IV, LLP, pending the satisfaction of FCB's Judgment;
3. The Clerk of Court is **DIRECTED** to serve a copy of this Order in writing to Daniel D. Sparks as Counsel for First Commercial Bank;



ORDER GRANTING MOTION FOR CHARGING ORDER
CV 08-902973-MGG

4. Each of the LLPs shall **ACKNOWLEDGE** receipt of this Order in writing to Daniel D. Sparks as Counsel for First Commercial Bank;
5. Each of the LLPs shall **REMIT** to FCB, c/o Daniel D. Sparks, Christian & Small LLP, 505 20th Street North, Suite 1800, Birmingham AL 35203 any and all monetary or non-monetary distributions, dividends, bonuses, income, monies, or payments of any kind and other items that Charles Stephens may now or ever become entitled to receive pursuant to his partnership interests in any of the LLPs, until such time as the aforesaid judgment shall be paid in full by Charles Stephens and FCB shall have also marked same as fully satisfied in the court records;
6. If the any of the aforesaid LLPs shall, in violation of this Order, remit any such monetary or non-monetary distributions, dividends, bonuses, income, monies, or payments of any kind to Charles Stephens, or to anyone else rather than to the Plaintiff as directed by this Order, then such respective LLP shall be **LIABLE** to the Plaintiff for payment of such monetary or non-monetary distributions, dividends, bonuses, income, monies, or payments, and the Plaintiff shall be entitled to **COLLECT** its judgment, plus interest thereon, directly from any assets of the respective LLPs, and without regard to any partnership interest of Charles Stephens.

DONE and ORDERED this, the 23rd day of April, 2010.

S/Michael G. Graffeo

MICHAEL G. GRAFFEO
Circuit Judge

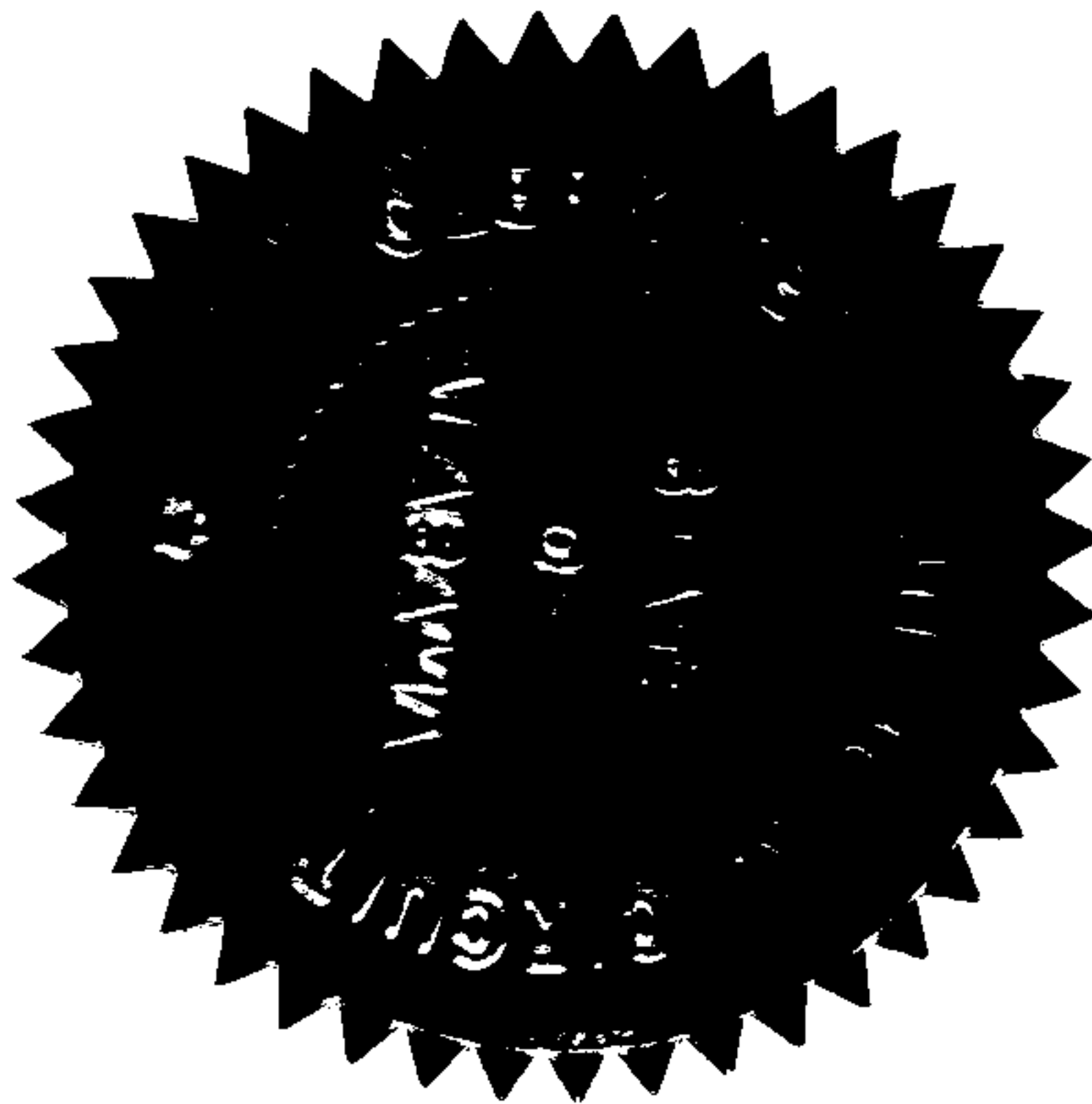
Cc: All Counsel of Record



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Shelby Cnty Judge of Probate, AL
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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

MAY 07 2010
the day of

3 pages

Anne-Marie Adams
CLERK