



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

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Shelby Cnty Judge of Probate, AL
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SOUTHCITY BANK,
Plaintiffs,

V.

CARGILE CREEK INVESTMENT, LLC,
SMALL PATRICK,
SHERROD BRADFORD,
Defendants.

) Shelby Cnty
) 11/09/2010
)
)
) Case No.: CV-2009-903007.00

**ORDER GRANTING
PLAINTIFF'S MOTION FOR CHARGING ORDER**

Plaintiff SouthCity Bank (“SouthCity”) filed its Motion for Charging Order (the “Motion”) in this Court on the 4th day of March, 2009. In the Motion, the Plaintiff requested that the Court enter an order charging the membership interest of Patrick Small, also known as Patrick J. Small (the “Defendant” or “Patrick Small”), in the following Alabama limited liability companies (hereinafter the “LLCs”) with the payment of the Plaintiff’s \$ 1,499,084.28 judgment (the “Judgment”) against the Defendant pursuant to Ala. Code § 10-12-35(a):

- a. Commerce Lane, L.L.C.
c/o Patrick Small, Registered Agent
2637 Queenstown Road
Birmingham, Alabama 35210
- b. Graver Holdings, L.L.C.
c/o Patrick Small, Registered Agent
7630 Commerce Lane
Trussville, AL 35173
- c. Wales Small, L.L.C.
c/o Patrick Small, Registered Agent
7630 Commerce Lane
Trussville, AL 35173

d. Euclid Small, LLC
c/o Patrick Small, Registered Agent
7630 Commerce Lane
Trussville, AL 35173

e. 3130 Third, LLC
c/o Patrick Small, Registered Agent
3130 3rd Avenue South
Birmingham, Alabama 35233

f. Mill & Textile Supply, LLC Pelham Industrial Enterprises, L.L.C.
c/o Patrick Small, Registered Agent
3130 3rd Avenue South
Birmingham, Alabama 35233


g. Graver Management Company, L.L.C.
c/o Patrick Small, Registered Agent
7630 Commerce Lane
Trussville, AL 35173

The Plaintiff further requested that the Court enter an order proscribing Patrick Small from assigning or transferring his interests in the LLCs pending the satisfaction of SouthCity's Judgment. On August 31, 2010, a hearing was held on this matter for which Defendant Patrick Small did not appear. Based upon the Court's review of the Motion and its consideration of the pleadings and the record the Court finds that the Motion is due to be granted; therefore, IT IS ORDERED that the Motion for Charging Order filed by the SouthCity Bank, is GRANTED and the membership interests of Patrick Small, also known as Patrick J. Small, in the LLCs is CHARGED with payment of the Plaintiff's Judgment against the Defendant. IT IS FURTHER ORDERED that the Defendant is proscribed from assigning or transferring any of his membership interests in Commerce Lane, L.L.C., Graver Holdings, L.L.C., Wales Small, L.L.C., Euclid Small, LLC, 3130 Third, LLC, Mill & Textile Supply, LLC, and Graver Management Company, L.L.C. pending the satisfaction of SouthCity's Judgment.

The Clerk of Court is DIRECTED to serve a copy of this order on each of the above listed LLCs. Each of the LLCs is ORDERED to acknowledge receipt of this Order in writing to Daniel D. Sparks as Counsel for SouthCity Bank, and is further Ordered to remit to SouthCity, 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 Patrick Small may now or ever become entitled to receive pursuant to his membership interests in any of the LLCs, until such time as the aforesaid judgment shall be paid in full by Patrick Small and SouthCity shall have also marked same as fully satisfied in the court records. If any of the aforesaid LLC's shall, in violation of this Order, remit any such monetary or non-monetary distributions, dividends, bonuses, income, monies, or payments of any kind to Patrick Small, or to anyone else rather than to the Plaintiff as directed by this Order, then such respective LLC 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 LLCs., and without regard to any membership interest of Patrick Small.

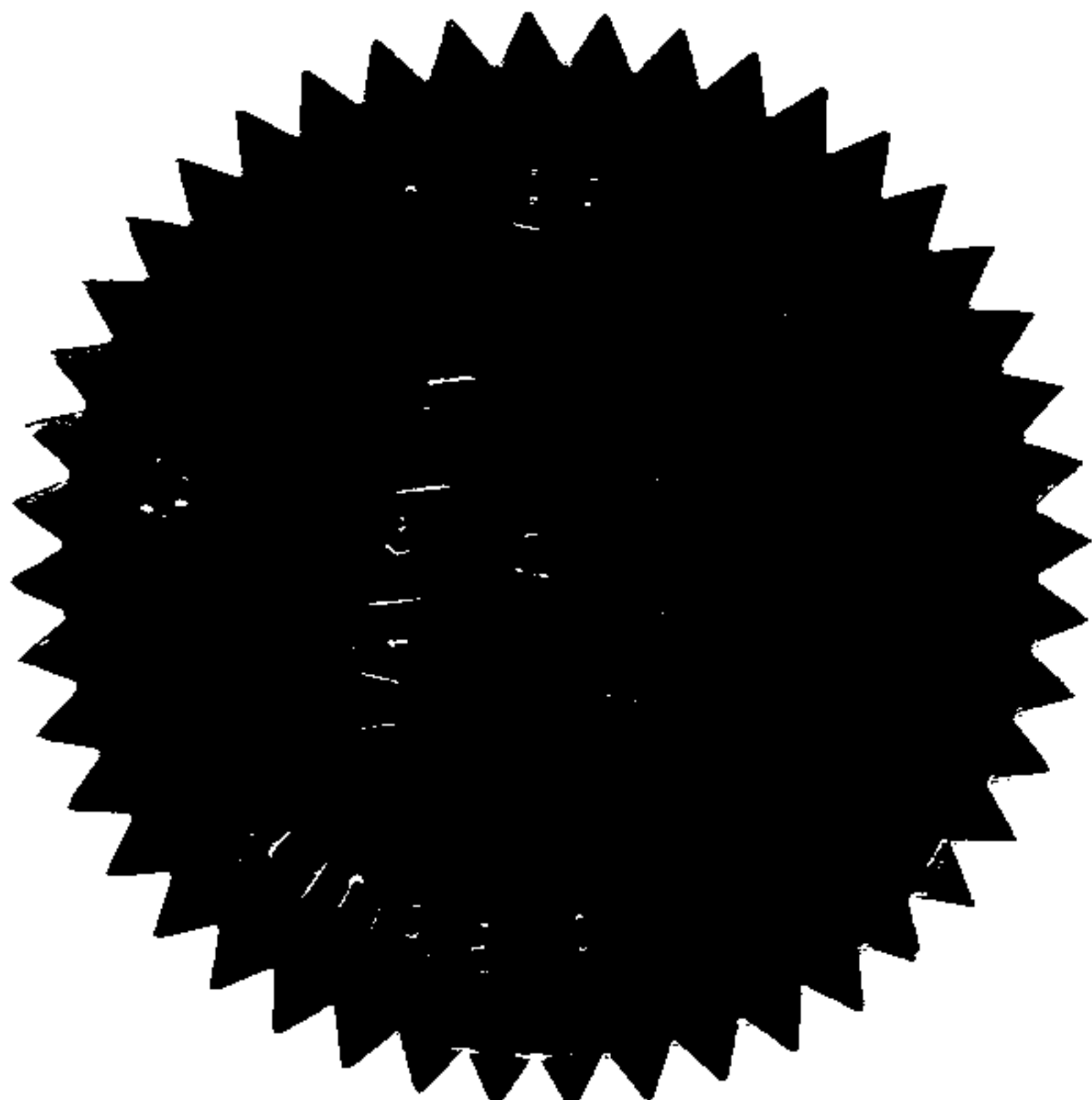
DONE this 9th day of September, 2010.

/s NICOLE GORDON STILL
CIRCUIT JUDGE


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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 NOV 05 2010

day of November, 2010 pg 3
Anne-Marie Adams
CLERK