

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SHELBY HOMEBUILDERS, INC.)

Plaintiff)

v.)

DAVID W. BLAKE)

Defendent/Counterclaim Plaintiff)

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Shelby Cnty Judge of Probate, AL
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Civil Action No. CV-07-900221

AND

HERBERT J. SCHWENTNER)

Third Party Plaintiff)

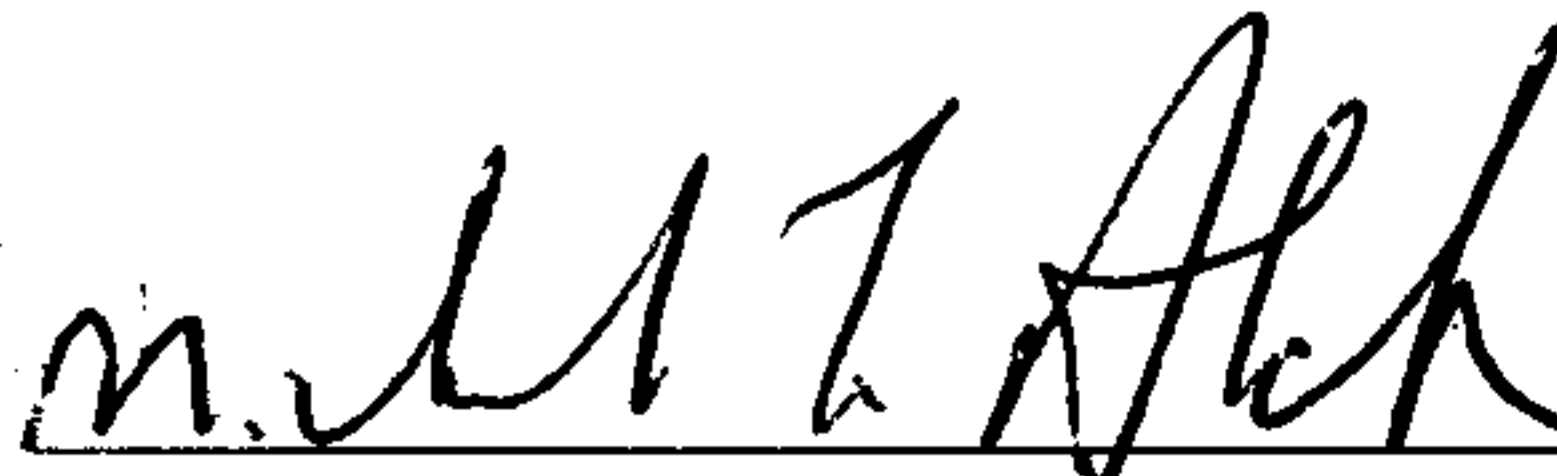
v.)

LONG BRANCH, LLC and
REI PROPERTIES OF ALABAMA,
LLC)

Counterclaim Defendants)

MOTION TO DISMISS
(LOT 233 & LOT 234)

David W. Blake, Defendant and Counterclaim Plaintiff, and Herbert J. Schwentner, Third Party Plaintiff, hereby move to dismiss any and all claims of Counterclaim Plaintiff and Third Party Plaintiff as said claims may pertain to Lot 233 & Lot 234, according to the Survey of Long Branch Estates, Phase II, Final Plat, as recorded in Map Book 36, pages 93A and 93B, in the Probate Office of Shelby County, Alabama.



Michael T. Atchison (ATC002)

Attorney at Law

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Columbiana, AL 35051

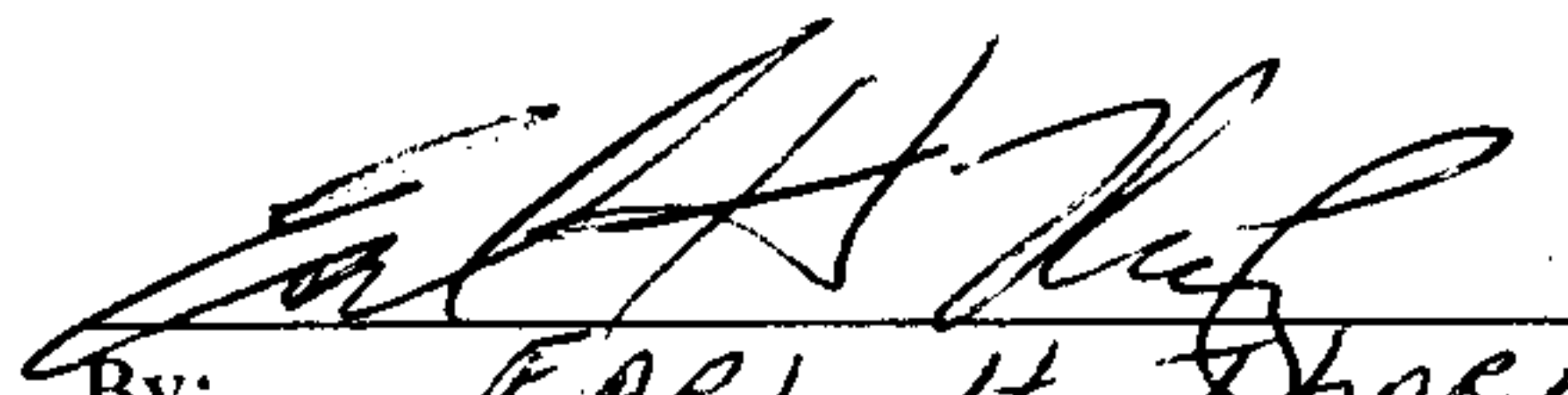
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Attorney for Defendant and Counterplaintiff,
David W. Blake, and Third Party Plaintiff,
Herbert J. Schwentner

ACKNOWLEDGED:

BancorpSouth Bank



By: EARL H. SHARP
Its: SENIOR VICE-PRESIDENT