

IN THE MATTER OF THE ESTATE OF
JOHN C. FAY,



20150306000070350 1/5 \$26.00
Shelby Cnty Judge of Probate, AL
03/06/2015 03:27:00 PM FILED/CERT

PROBATE COURT OF
SHELBY COUNTY, ALABAMA

CASE NO.: PR-2012-00541

**RESPONSE IN SUPPORT OF DETERMINATION OF
FIRST COMMERCIAL BANK'S LIEN PRIORITY**

COMES NOW, First Commercial, a div Synovus Bank, a secured creditor in the above-syted case, and files the attached Exhibit "A" in support of its claim in this case:

On June 9, 2011, claimant First Commercial obtained a judgment against John C. Fay in the Circuit Court of Baldwin County, Alabama in the amount of \$87,859.22. The judgment was recorded in the Probate Court of Baldwin County on July 21, 2011, Jefferson County Probate Court on July 12, 2011 and in the Shelby County Probate Court on July 15, 2011.

On February 11, 2013, First Commercial filed a claim in the probate case in the amount of \$91,293.30.

WHEREFORE PREMISES CONSIDERED, First Commercial respectfully request that the Court properly recognize its recorded lien against the properties located in said counties, or the proceeds thereof, where the judgment lien was recorded and in the priority allowed under Alabama law.

Respectfully submitted,

JAY H. CLARK (CLA058)

jc@wallacejordan.com

Attorney for First Commercial Bank

OF COUNSEL:

WALLACE, JORDAN, RATLIFF & BRANDT, L.L.C.
P.O. Box 530910
Birmingham, Alabama 35253
(205) 870-0555

CERTIFICATE OF SERVICE

I hereby certify that I have served, by United States Mail, postage prepaid and properly addressed, a true and correct copy of the above and foregoing, upon all counsel to this proceeding this the 6th of March, 2015.

Charles Howard Moses, III.
300 Cahaba Park Circle
Suite 100
Birmingham, Alabama 35242

Jamies A. Wilson
Benton & Centeno, LLP
2019 3rd Avenue North
Birmingham, AL 35203

E. Farley Moody, II, Esq.
Attorney for Sandra Fay
29921 Bayland Drive
Orange Beach, Alabama 36561

Mike Odom, Esq.
Attorney for Mary Margaret Fay
Rumberger Kirk & Caldwell

Jack Hall, Esq.
Hall Connerly
Attorney for Benita Fay
1400 Financial Center
505 North 20th Street
Birmingham, Alabama 35203

Susannah Lyons Fay
794 Bear Creek Road
Sterrett, AL 35147

Jamie Coston, Esq.
Guardian Ad Litem
P.O. Box 361016
Hoover, Alabama 35236

Allan R. Chason, Esq.
Attorney for Ken Wall and KWP. LLC
P.O. Box 10
Bay Minette, AL 36507

Charles McKell
c/o G. Daniel Evans, Esq.
The Evans Law Firm, P.C.
1736 Oxmoor, Road, Suite 101



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03/06/2015 03:27:00 PM FILED/CERT

Birmingham, Alabama 35209

Citibank
c/o Naomi Anne Ivker, Esq.
P.O. Box 11366
Birmingham, Alabama 35203

First Commercial Bank
c/o Jay H. Clark, Esq.
P.O. Box 530910
Birmingham, Alabama 35253

Mary Fay
794 Bear Creek Road
Sterrett, Alabama 35147

Don Armstrong, Tax Commissioner
P.O. Box 1298
Columbiana, Alabama 35051

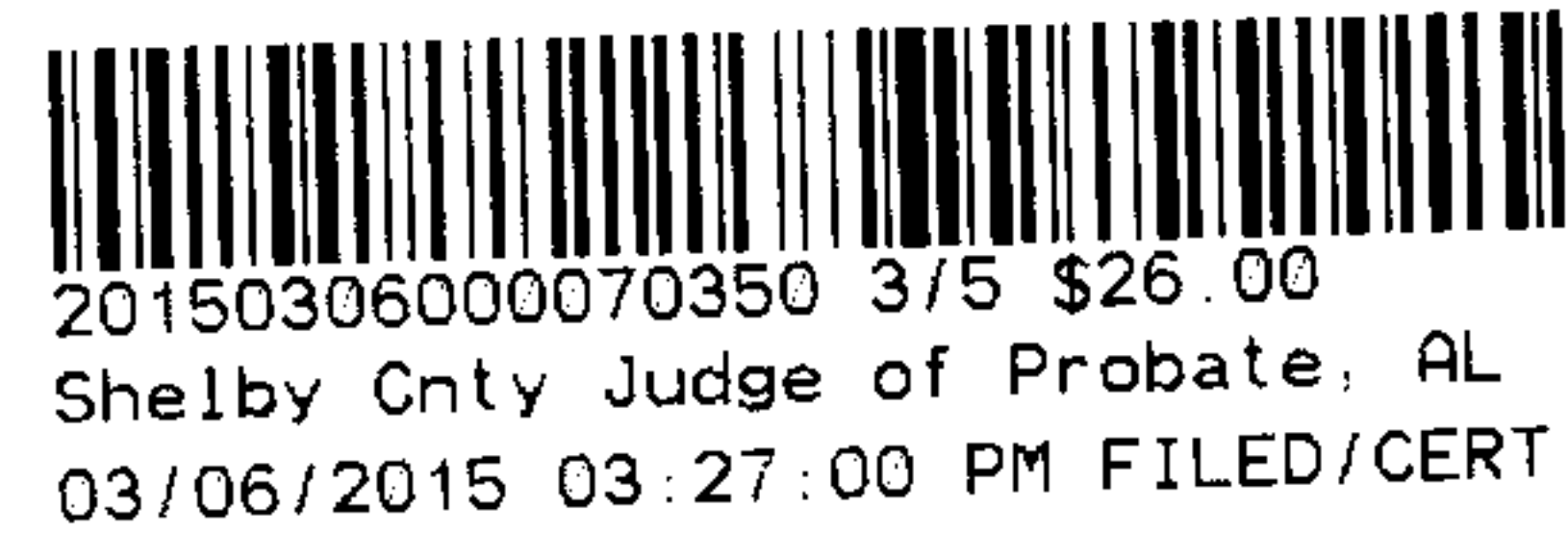
Massey Hauling, Inc.
C/o David Wilson, Esq.
Wilson & Berryhill, PC
1 Metroplex Drive, Suite 250
Homewood, Alabama 35209

National Coal of Alabama, Inc.
C/o Scott A. Peppe
18109 Birmingham, Avenue, Suite 101
Jasper, Alabama 35501

Allied Minerals, Inc.
c/o G. Daniel Evans, Esq.
The Evans Law Firm, P.C.
1736 Oxmoor, Road, Suite 101
Birmingham, Alabama 35209

Quality Coal
C/o Tyler McClendon
3801 N. Airport Road
Jasper, Alabama 35504

Justin Green, Esq.
Jackson, Fikes, Hood & Brakefield




P.O. Box 748
Jasper, Alabama 35502

Harbin & Stough PC
c/o Richard Harbin, President
2521 6th Street
Tuscaloosa, Alabama 35401


Bank of America
Attn: Craig Smith
P.O. Box 982238
El Paso, TX 79998

Town of Highlands
Attn: Robert Frye, Jr.
P.O. Box 460
Highlands, NC 28741

Renee S. Finch
98 County Road 170
Crane Hill, Alabama 35053



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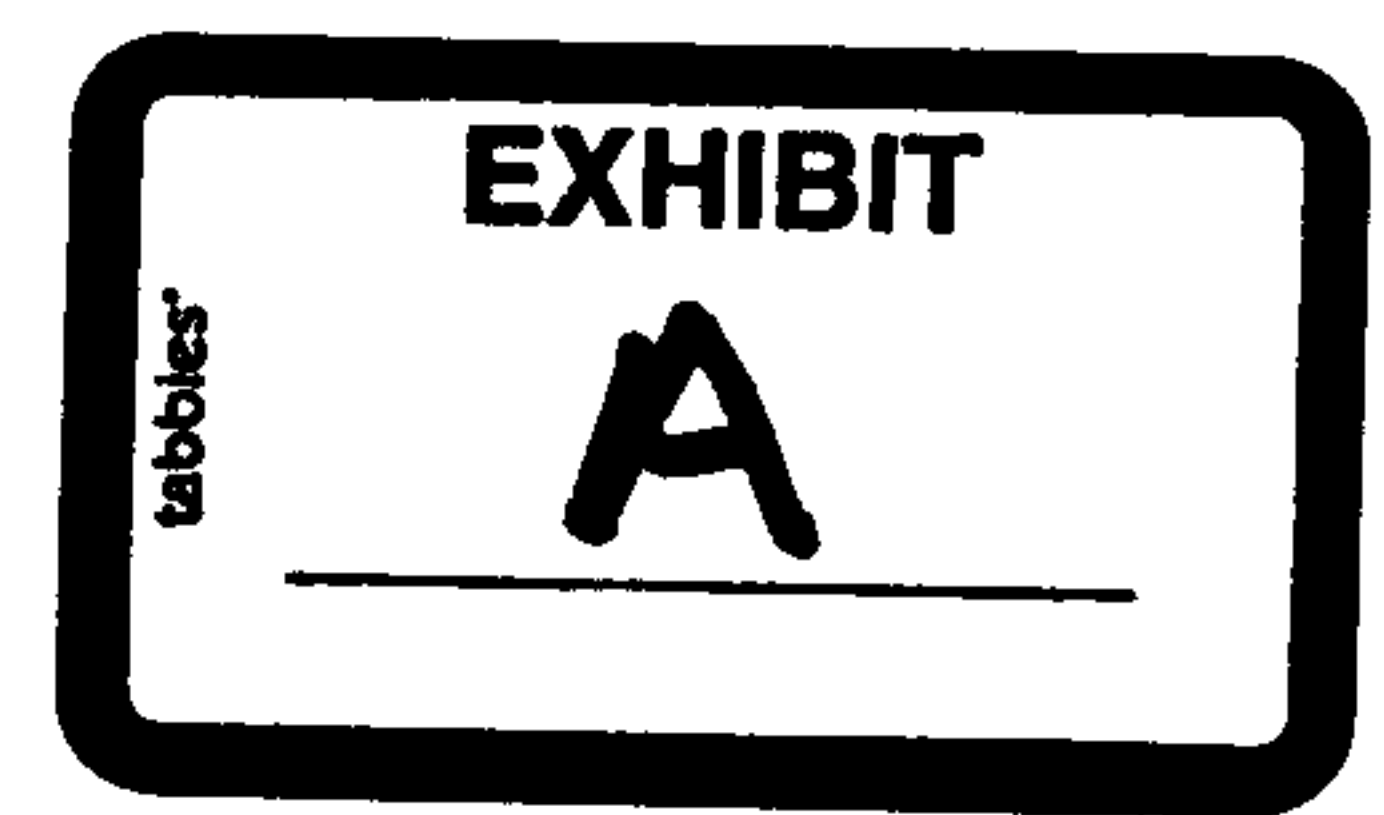

OF COUNSEL

AVSO312

ALABAMA JUDICIAL DATA CENTER
BALDWIN COUNTY
CERTIFICATE OF JUDGMENT

CV 2011 900396.00

JAMES H. REID



IN THE CIRCUIT COURT OF BALDWIN COUNTY
FIRST COMMERCIAL, A DIV OF SYNOVUS BANK VS JOHN C FAY SR

DEFENDANT

FAY JOHN C SR

PARTY'S ATTORNEY:

MOSES CHARLES HOWARD III
300 CAHABA PARK CIR STE 100

,AL 00000-0000

BIRMINGHAM

,AL 35242-5044

I, JODY WISE CAMPBELL (CV, CLERK OF THE ABOVE NAMED COURT HEREBY
CERTIFY THAT ON 06/09/2011 PLAINTIFF, FIRST COMMERCIAL, A DI RECOVERED
OF DEFENDANT IN SAID COURT A JUDGMENT WITHOUT WAIVER OF EXEMPTIONS FOR THE
SUM OF \$87,859.22 DOLLARS PLUS \$356.00 DOLLARS COURT COSTS, AND
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS:
CLARK JAY HARVEY



20150306000070350 5/5 \$26.00
Shelby Cnty Judge of Probate, AL
03/06/2015 03:27:00 PM FILED/CERT

GIVEN UNDER MY HAND THIS DATE 07/07/2011



20110712000686590 1/1
Bk: LR201105 Pg:20888
Jefferson County, Alabama
I certify this instrument filed on:
07/12/2011 03:05:42 PM LN
Judge of Probate- Alan L. King

Jody Wise Campbell

CLERK: JODY WISE CAMPBELL (_____
312 COURTHOUSE SQUARE
BAY MINETTE AL 36507
(251) 937-0374

OPERATOR: LAJ
PREPARED: 07/07/2011

PLAINTIFF'S ATTORNEY:

CLARK JAY HARVEY
PO BOX 530910
BIRMINGHAM AL 35253



20110715000206050 1/1 \$12.00
Shelby Cnty Judge of Probate, AL
07/15/2011 10:57:13 AM FILED/CERT

20110712000686590 1/1
Bk: LR201105 Pg:20888
Jefferson County, Alabama
07/12/2011 03:05:42 PM LN
Fee - \$5.00

Total of Fees and Taxes-\$5.00
HATCHERK

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 7/21/2011 12:57 PM
TOTAL \$ 9.00
1 Pages



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