



FOURTH JUDICIAL CIRCUIT OF VIRGINIA
CIRCUIT COURT OF THE CITY OF NORFOLK

KAREN J. BURRELL
JUDGE

November 5, 2009

100 ST. PAUL'S BOULEVARD
NORFOLK, VIRGINIA 23510

David B. Oakley, Esq.
Huff, Poole & Mahoney, P.C.
860 Greenbrier Circle, Suite 103
Chesapeake, VA 23320

F. Sullivan Callahan, Esq.
229 W. Bute Street, Suite 630
Norfolk, VA 23510

Kavita S. Knowles, Esq.
Fullerton & Knowles, P.C.
12642 Chapel Road
Clifton, VA 20124

Glen W. Thompson, Esq.
Pender & Coward, P.C.
222 Central Park Avenue
Virginia Beach, VA 23462

Bennett I. Stein, Esq.
Stein & Stein, P.C.
740 Thimble Shoals Boulevard, Suite F
Newport News, VA 23606

Robert Hesselbacher, Jr.
One Charles Center, 16th Floor
One North Charles Street
Baltimore, MD 21201

RE: Meeks Disposal Corporation v. Circle South, LLC, et al
Civil Docket No. CL09-2859

Dear Counsel:

This matter came before the court on September 17, 2009, on defendant, Circle South LLC's, Motion for Summary Judgment. The Court took the matter under advisement, advised counsel of its decision to deny the motion on September 24, 2009, and then heard a Motion for Reconsideration on October 26, 2009.

After careful review and consideration of the pleadings, arguments of counsel and authorities submitted, the Motion for Summary Judgment is denied. The Court finds that, under these circumstances, the language contained in Virginia Code Ann. §43-4, providing that the clerk in whose office the memorandum is filed shall record and index the same and that from the time of such recording and indexing all persons shall be deemed to have notice thereof, does not defeat plaintiff's claim. Assuming that recordation and indexing are required to perfect a lien against "the rest of the world," such is not required to perfect the lien against the defendant, Circle South, LLC, the owner of the property. The Court is of the opinion that plaintiff, a sub-contractor, perfected its lien against the defendant, Circle South, LLC, when it filed the

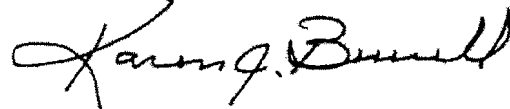
Page 2

RE: Meeks Disposal Corp. v. Circle South, LLC, et al

memorandum of mechanic's lien pursuant to Virginia Code Ann. §43-4, and provided notice to the defendant, pursuant to Virginia Code Ann. §43-7. Given that the lien is perfected against the defendant, Circle South LLC, it is immaterial whether or not the lien is perfected against anyone else. As such, the Motion for Summary Judgment is denied.

Accordingly, the Court will enter the Order submitted by Mr. Oakley, bearing the objections noted by Mr. Callahan at the October 26, 2009, Motion for Reconsideration hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kara J. Burrell". The signature is written in a cursive, flowing style.

Kara J. Burrell
Judge

KJB/nm

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK, VIRGINIA
MEEKS DISPOSAL CORPORATION,

Plaintiff,

v.

CIRCLE SOUTH, LLC
a Virginia limited liability company, et al,

Defendants.

Case No.: CL09002859-00
Consolidated with

Case No.: CL09001900-00

Case No.: CL09001248-00

ORDER

This matter came before the Court on Thursday, September 17, 2009, on a Motion for Summary Judgment by Defendant, Circle South, LLC and the matter was argued before the Court.

UPON CONSIDERATION of arguments by counsel for Plaintiff, Meeks Disposal Corporation and Defendant, Circle South, LLC,

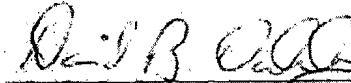
It is hereby, ADJUDGED, ORDERED, AND DECREED Defendant Circle South, LLC's Motion for Summary Judgment to dismiss Plaintiff's claim to enforce a Memorandum of Mechanic's Lien is denied.

ENTERED this 5th day of November, 2009.

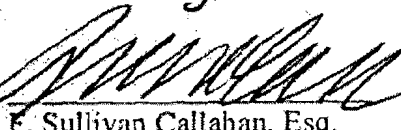
COPY TESTE.
GEORGE E. SCHAEFER, CLERK
NORFOLK CIRCUIT COURT
BY [Signature]
Janice O'Hara, Deputy Clerk
Authorized to sign on behalf
of George E. Schaefer
Date: 11-9-09

[Signature]
Honorable Karen J. Burrell, Judge
Norfolk Circuit Court

We ask for this:


David B. Oakley, Esq.
Counsel for Meeks Disposal Corporation

SEEN AND objected to for all matters argued and made a part
of the record including the memorandums
filed by Circle South. The T has failed
to file their Memorandum of the Law
record and therefore has no lien to
enforce.


F. Sullivan Callahan, Esq.
Counsel for Circle South, LLC