

NOTICE OF LIS PENDENS

THE STATE OF ALABAMA)

SHELBY COUNTY)

Notice is hereby given that on the 25th day of September, 1997, suit was begun by the undersigned in the Circuit Court of Shelby County, Alabama, Case Number CV-97-142, and that the following are the names of all the parties to said suit:

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

ANNE BATES GIBBONS,)

Plaintiff,)

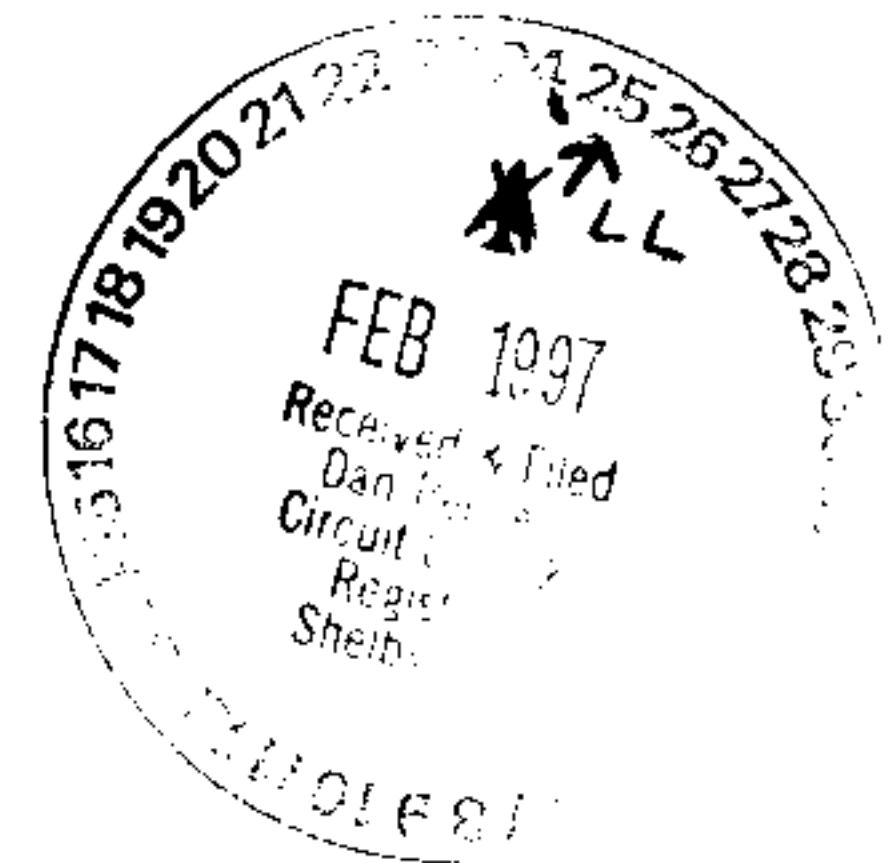
v.)

BOBBIE M. BATES, MARY ELLEN)
BATES, JOHN BURDETTE BATES,)
individually and as TRUSTEE UNDER)
A TRUST AGREEMENT DATED)
SEPTEMBER 30, 1976,)
MORTGAGEAMERICA, INC. and)
FICTITIOUS DEFENDANTS A, B, C,)
D, and E,)

Defendants.)

Civil Case No.

CV-97-142



In said suit the following described real estate, situated in Shelby County, Alabama, is involved, to-wit:

See Exhibit A

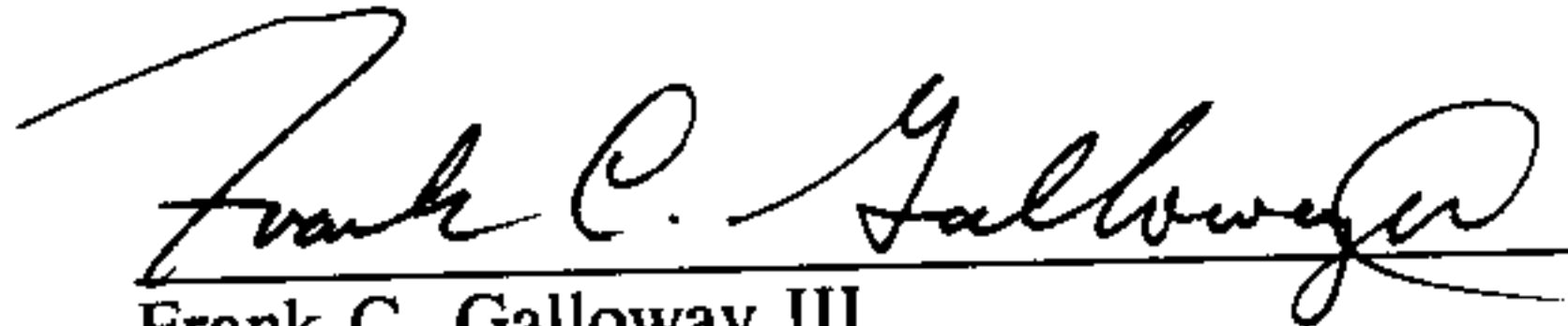
The aforesaid suit is, in the pertinent counts, an equitable suit seeking to confirm the validity of plaintiff's option to purchase part of the subject property and to establish the priority

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SHELBY COUNTY JUDGE OF PROBATE
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of all parties interest in the subject property.

Witness my hand this the 25th day of February, 1997.



Frank C. Galloway III

Attorney for Plaintiff Anne Bates Gibbons

Certificate of Filing

I hereby certify that the within and foregoing Lis Pendens was filed in this office for record on the ____ day of February, 1997 at ____ m. and duly recorded in _____ at Page ____.

PROBATE JUDGE

That part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, Township 19 South, Range 2 East, lying South of the right of way of the A.B. & C.R.R. and described as follows: Begin at the SW corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12 and run East to Coosa River; thence Northerly direction along River to right of way of A.B. & C.R.R.; thence in a Westerly direction along said right of way to point of beginning.

The E $\frac{1}{2}$ of NE $\frac{1}{4}$ and 10 acres across North side of NE $\frac{1}{4}$ of Section 13, Township 19 South, Range 2 East.

All that part of the NW $\frac{1}{4}$ of Section 18, Township 19 South, Range 3 East lying South and West of Coosa River.

Also the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, Township 19 South, Range 3 East.

Less and except that property conveyed to John Burdette Bates by deed recorded in Deed Book 254, Page 442, more particularly described as follows: Commence at a point on the South boundary line of the SE $\frac{1}{4}$, Section 12, Township 19 South, Range 2 East, where the center line of the Atlantic Coast Line Railroad intersects with said South boundary line and in an Easterly direction along the South boundary line of said SE $\frac{1}{4}$, run a distance of 1183.56 feet; thence turn an angle of 34° 58' to the left for a distance of 176.58 feet, to the Point of Beginning; thence, turn an angle of 84° 19' 33" to the right for a distance of 240.11 feet; thence, turn an angle of 95° 40' 27" to the right for a distance of 290.29 feet; thence turn an angle of 99° 46' 28" to the right for a distance of 242.45 feet; thence turn an angle of 80° 13' 32" to the right for a distance of 225.39 feet, to the Point of Beginning.

Also, excepting approximately 5.5 acres of subject property lying in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, and E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 13, both in Township 19, South, Range 2 East, and the NW $\frac{1}{4}$ of Section 18, Township 19, South, Range 3 East, being that portion thereof lying below that certain datum plane of 403 feet above mean sea level for a permanent flood easement, and subject to a temporary flood easement of approximately 4 acres of said lands above that certain datum plane of 403 feet above mean sea level and below 408 feet mean sea level, all as conveyed and granted to Alabama Power Co., as fully described in instrument recorded in Deed Book 743, Page 274.

Subject to existing easements for road rights of way granted to John Burdette Bates, by deed recorded in Deed Book 254, Page 442 and also transmission line permits as easements granted to Alabama Power Co. as recorded in Deed Book 226, Page 336, and Deed Book 229, Page 703, and subject to any existing public road right of way.

The land hereby conveyed contains in the aggregate 229 acres, more or less.

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EXHIBIT A

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