

STATE OF ALABAMA,
Petitioner,

v

RALPH W. and BILLIE F. DARBY;
JAMES E. ELLIOTT; CLARA E.
ELLIOTT; BRAXTON BAKER; N. K.
WAITES and ELSIE WAITES; THOMAS
L. COLE, JR. and LOUISE BAKER
COLE; MARJORIE DARBY DONAHOO
and C.T. DONAHOO; ANNETTE
SKINNER, Tax Collector; O.L.
BAKER; COOSA VALLEY PRODUCTION
CREDIT ASSOCIATION; and THE
ALABAMA POWER COMPANY,

Respondents.

IN THE
PROBATE COURT
OF

SHELBY COUNTY, ALABAMA

CASE NO. 23-94

NOTICE OF LIS PENDENS

Take notice that the State of Alabama has on the 13th day of September, 1982 filed an Application for Order of Condemnation in the Probate Court of Shelby County, Alabama, Case No. 23-94, for the purpose of acquiring title to all of the lands and real estate as set forth and shown more specifically on the attached Exhibit A through E, both inclusive, which are specifically made a part of this notice by reference thereto. Take further notice that the Application for Order of Condemnation names and sets forth all those parties who claim an interest in said property and said parties are specifically set forth and named on each attached exhibits. The Application for Order of Condemnation was filed for the express purpose of obtaining said lands and property for public road or

Lis Pendens Book 6 pg. 431

Pat

highway purposes.

STATE OF ALABAMA

BY: John E. Medaris
John E. Medaris
Special Assistant Attorney General
for the State of Alabama

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority, in and for said County in said State, personally appeared John E. Medaris, who is known to me and who, being by me first duly sworn, deposes and says that he is a Special Assistant Attorney General for the State of Alabama, and as such is authorized to make this affidavit, that he has read the foregoing notice and the averments contained therein are true and correct.

Subscribed and sworn to before me
this the 15 day of March,
1983.

Michael Campbell
NOTARY PUBLIC

Lisa Penders Book 6 page 432

- a. Tract No. 19, Ralph W. and Billie F. Darby, James E. Elliott, Clara E. Elliott, O. L. Baker
Legal description, to-wit: and as shown on the right-of-way map of Project No. F-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southwest corner of Section 28, T-19-S, R-2-E; thence easterly along the south line of said Section 28 a distance of 320 feet, more or less, to the west property line; thence northerly along the west property line and the west property line extended northerly a distance of 1,128 feet, more or less, to the point of beginning of the property herein to be conveyed, said point of beginning being on a line which extends from a point that is 150 feet southwesterly of and at right angles to the centerline of Project No. F-214(29) at Station 1088+06.14 to a point that is 100 feet southwesterly of and at right angles to the centerline of said project at Station 1090+00; thence easterly along said line a distance of 121 feet, more or less, to said point that is 100 feet southwesterly of and at right angles to the centerline of said project at Station 1090+00; thence southeasterly along a curve to the left (concave northeasterly) having a radius of 34,477.47 feet parallel with the centerline of said project a distance of 330 feet, more or less, to the east property line; thence northerly along said east property line a distance of 76 feet, more or less, to the present southwest right-of-way line of U.S. Highway 280; thence northwesterly along said present southwest right-of-way line a distance of 516 feet, more or less, to the westernmost property line; thence southerly along said westernmost property line a distance of 130 feet, more or less, to a point on a line which extends from a point that is 150 feet southwesterly of and at right angles to the centerline of said project at Station 1088+06.14 to a point that is 100 feet southwesterly of and at right angles to the centerline of said project at Station 1090+00; thence easterly, along said line (which if extended would intersect said point that is 100 feet southwesterly of and at right angles to the centerline of said project at Station 1090+00) a distance of 51 feet, more or less, to the point of beginning.

Said strip of land lying in the SW1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing 1.00 acres, more or less.

- b. Tract No. 24, Braxton Baker, Anniston Production Credit Association
Legal description, to-wit: and as shown on the right-of-way map of Project No. F-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southwest corner of the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E; thence northerly along the west line of said SE1/4 of SW1/4 a distance of 974 feet, more or less, to the present southwest right-of-way line of U.S. Highway 280; thence southeasterly along said present southwest right-of-way line a distance of 415 feet, more or less, to the west line of the property herein to be conveyed and the point of beginning; thence continuing southeasterly along said present southwest right-of-way line a distance of 141 feet, more or less, to the northeast property line; thence southeasterly along said northeast property line a distance of 71 feet, more or less, to a point that is 100 feet southwesterly of and at right angles to the centerline of Project No. F-214(29); thence N 76° 51' 30" W, parallel with the centerline of said project a distance of 172 feet, more or less, to the west property line; thence northerly along said west property line a distance of 59 feet, more or less, to the point of beginning.

Said strip of land lying in the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing 0.20 acres, more or less.

See Deed Book 6 Page 433

C. Tract No. 25, N. K. Waites and Elsie Waites, Anniston Production Credit Association, Small Business Administration, Alabama Power Company
Legal description, to-wit: and as shown on the right-of-way map of Project No. F-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

page 434
PARCEL #1: Commencing at the northwest corner of the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E; thence southerly along the west line of said SE1/4 of SW1/4 a distance of 201 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence southeasterly along said present northeast right-of-way line a distance of 509 feet, more or less, to the southwest line of the property herein to be conveyed and the point of beginning; thence northwesterly along the southwest property line a distance of 55 feet, more or less, to a point that is 110 feet northeasterly of and at right angles to the centerline of Project No. F-214(29); thence S 76° 51' 30" E, parallel with the centerline of said project, a distance of 365 feet, more or less, to a point that is 110 feet northeasterly of and at right angles to the centerline of said project at Station 1106+75; thence northeasterly along a line a distance of 20 feet, more or less, to a point that is 30 feet southwesterly of and at right angles to the Traverse of a dirt road at Station 18+50; thence northwesterly parallel with said Traverse a distance of 100 feet; thence turn an angle of 90 degrees, to the right and run a distance of 20 feet, more or less, to the edge of said dirt road; thence southeasterly along the edge of said road a distance of 173 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence northwesterly along said present northeast right-of-way line a distance of 388 feet, more or less, to the point of beginning.

Said strip of land lying in the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing .045 acres, more or less.

Lisa Sanders Book 6
PARCEL #2: Commencing at the southwest corner of the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E, thence northerly along the west line of said SE1/4 of SW1/4 a distance of 975 feet, more or less, to the present southwest right-of-way line of U.S. Highway No. 280; thence southeasterly along said present southwest right-of-way line; a distance of 556 feet, more or less, to the southwest line of the property herein to be conveyed and the point of beginning; thence continuing southeasterly along said present southwest right-of-way line a distance of 351 feet, more or less, to the east property line; thence southerly along said east property line a distance of 51 feet, more or less, to a point that is 100 feet southwesterly of and at right angles to the centerline of Project No. F-214(29); thence N 76° 51' 30" W, parallel with the centerline of said project a distance of 321 feet, more or less, to the southwest property line; thence northwesterly along said southwest property line a distance of 71 feet, more or less, to the point of beginning.

Said strip of land lying in the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing 0.40 acres, more or less.

d. Tract No. 26, Thomas L. Cole, Jr., Louise Baker Cole, Alabama Power Company
Legal description, to-wit: and as shown on the right of way map of Project No. F-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the northeast corner of the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E; thence southerly along the east line of said SE1/4 of SW1/4 a distance of 555 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence northwesterly along said present northeast right-of-way line a distance of 115 feet, more or less, to the east line of the property herein to be conveyed and the point of beginning; thence northerly along the east property line a distance of 22 feet, more or less, to a point on a line, which extends from a point that is 80 feet northeasterly of and at right angles to the centerline of Project No. F-214(29) at Station 1111+40.90 to a point that is 110 feet northeasterly of and at right angles to the centerline of said project at Station 1107+75; thence northwesterly along said line a distance of 318 feet, more or less, to said point that is 110 feet northeasterly of and at right angles to the centerline of said project at Station 1107+75;

thence northwesterly along a line a distance of 53 feet, more or less, to a point that is 30 feet easterly of and at right angles to the Traverse of a dirt road at Station 18+50; thence northerly parallel with said Traverse a distance of 100 feet; thence turn an angle of 90 degrees to the left and run a distance of 5 feet, more or less, to the southwest property line; thence southeasterly along said southwest property line a distance of 185 feet, more or less, to the present northeast right-of-way line of U.S. Highway No. 280; thence southeasterly along said present northeast right-of-way line a distance of 333 feet, more or less, to the point of beginning.

Said strip of land lying in the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing 0.28 acres, more or less.

Tract No. 30, Marjorie Darby Donahoo and C. T. Donahoo
Legal description, to-wit: and as shown on the right-of-way map of Project No. P-214(29) as recorded in the Office of the Judge of Probate of Shelby County, Alabama:

Commencing at the southeast corner of the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E; thence northerly along the east line of said SE1/4 of SW1/4 a distance of 628 feet, more or less, to the present southwest right-of-way line of U.S. Highway No. 280; thence northwesterly along said present southwest right-of-way line a distance of 48 feet, more or less, to a point that is southwesterly of and at right angles to the centerline of Project No. P-214(29) at Station 1112+00 and the point of beginning of the property herein, to be conveyed; thence westerly along a line (which if extended would intersect a point that is 110 feet southwesterly of and at right angles to the centerline of said project at Station 1109+00) a distance of 31 feet, more or less, to the northwest property line; thence northeasterly along said northwest property line a distance of 5 feet, more or less, to the present southwest right-of-way line of said Highway; thence southeasterly along said present southwest right-of-way line a distance of 31 feet, more or less, to the point of beginning.

Said strip of land lying in the SE1/4 of SW1/4, Section 28, T-19-S, R-2-E and containing 0.003 acres, more or less.

Lisa Bendure Book 6 page 435

RESPONDENTS

Ralph W. Darby
Billie F. Darby
P. O. Box 222
Harpersville, AL 35078

James E. Elliott
Clara F. Elliott
444 Ridge Road
Birmingham, AL 35206

O. L. Baker
c/o Braxton Baker
P. O. Box 412
Harpersville, AL 35078

Braxton Baker
P. O. Box 412
Harpersville, AL 35078

Coosa Valley Production Credit Association
P. O. Box 3478
Oxford, AL 36203

N. K. Waites
Elsie Waites
P. O. Box 265
Harpersville, AL 35078

The Small Business Administration
907 South 20th Street
Birmingham, AL 35256

Alabama Power Company
P. O. Box 2641
Birmingham, AL 35291
Attn: Claims Department

Thomas L. Cole, Jr.
Louise Baker Cole
P. O. Box 143
Harpersville, AL 35078

Marjorie Darby Donahoo
C. T. Donahoo
P. O. Box 92
Harpersville, AL 35078

Annette Skinner, Tax Collector
P. O. Box 1298
Columbiana, AL 35051

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1983 MAR 17 AM 10:42

Thomas A. Shanks, Jr.
JUDGE OF PROBATE

Rec. 1550
Ind. 100
1650

Lisa Pendern Book 6 Page 436