

MARTIN MULLER,
VS. PLAINTIFF

SHELBY COUNTY PLANNING COMMISSION,
DEFENDANT

SHELBY COUNTY, ALABAMA, a political
subdivision of the State of Alabama,

INTERVENING PLAINTIFF

VS.

MARTIN MULLER,
ORIGINAL PLAINTIFF
and RESPONDENT

And Vs.

ROBERT C. HAMILTON, SYLVIA SUSANNE
HAMILTON, REESE LEWIS WOOLLEY, JR.,
MILDRED LORAIN MANNING, HUE VAN LE,
and JULIE PHAN LE,
DEFENDANTS

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CASE NO. CV 83-316

LIS PENDENS NOTICE

Notice is hereby given that on, to-wit, February 12, 1985, Shelby County, Alabama, as Intervening Plaintiff in the above styled cause, filed its Complaint in said cause, said Complaint having been subsequently amended by Amendment to Complaint of Intervening Plaintiff, and by Second Amendment to Complaint of Intervening Plaintiff, as filed in the Circuit Court of Shelby County, Alabama; Civil Action No. 83-316, which Complaint, as last amended, was filed against Martin Muller, Robert C. Hamilton, Sylvia Susanne Hamilton, Reese Lewis Woolley, Jr., Mildred Loraine Manning, Hue Van Le, and Julie Phan Le, and that in said suit, said Intervening Plaintiff alleges that said Robert C. Hamilton, Sylvia Susanne Hamilton, Reese Lewis Woolley, Jr., Mildred Loraine Manning, Hue Van Le, and Julie Phan Le, should be enjoined or otherwise restrained from erecting, constructing, reconstructing, altering, repairing, converting, or maintaining, any and all houses, buildings, or other structures, roads, streets, drainage ditches, on the following described premises:

Commence at the Northeast corner of the NE $\frac{1}{4}$ of Section 32, Township 19 south, Range 1 East, Shelby County, Alabama and run South along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 626.27 feet to a point of intersection with a line which is 38 feet Northwesterly of the South line of the Pipeline easement; thence Southwesterly and parallel to the South line of said pipeline easement 1345.31 feet to point of beginning; thence continue along last described course for a distance of 304.36 feet; thence an angle to the right of 107 degrees 40 minutes 17 seconds and run Northerly 727.95 feet; thence an angle to the right of 90 degrees 00' and run Easterly 290.00 feet; thence an angle to the right of 90 degrees 00' and run Southerly 635.56 feet to the point of beginning.

W. & N. D.

A tract of land situated in the NE 1/4 of Section 32, Township 19 South, Range 1 East, Shelby County, Alabama, more particularly described as follows: Commence at the NE corner of the NE 1/4 of Section 32, Township 19 South, Range 1 East, Shelby County, Alabama, and run South along the East line of said 1/4 Section 626.27 feet to a point of intersection with the centerline of a pipeline easement; thence an angle to the right of 68 deg. 00' and run Southwesterly along the said pipeline easement centerline 516.18 feet to point of beginning of herein described property; thence an angle to the right of 97 deg. 20' 17" and run Northerly 390.19 feet; thence an angle to the left of 79 deg. 40' and run Westerly 720.00 feet; thence an angle to the left of 90 deg. 00' and run Southerly 635.56 feet to a point of intersection with the centerline of said pipeline easement; thence an angle to the left of 107 deg. 40' 17" and run Northeasterly along said pipeline easement centerline 829.17 feet to point of beginning. According to survey of W. N. Varnon, Reg. No. 9324, dated October 4, 1984.

A tract of land situated in the NE 1/4 of Section 32, Township 19 South, Range 1 East, Shelby County, Alabama, more particularly described as follows: Commence at the NE corner of the NE 1/4 of Section 32, Township 19 South, Range 1 East, Shelby County, Alabama and run West along the North line of said Section 645.61 feet to point of beginning; thence left 81 deg. 52 min. 49 sec. and run Southwesterly 440.71 feet; thence right 78 deg. 48 min. 05 sec. and run Westerly 280.00 feet; thence right 90 deg. 00 min. and run Northerly 451.98 feet to a point of intersection with the North line of said Section; thence right 93 deg. 04 min. 44 sec. and run East 366.12 feet to point of beginning. According to survey of W. M. Varnon, Reg. No. 9324, dated February 22, 1985. The acreage sold shall be conveyed by metes and bounds description which shall extend to the center of the road. Said road is a private road and is not dedicated as a public highway or street. The conveyance by which title will be transferred to purchaser shall create a right-of-way easement granting the rights of ingress and egress to the adjoining plots of land bordering said private road. The easement thus created shall be a perpetual easement appurtenant to and for the benefit of the adjoining land and purchaser hereby agrees that he will be bound by the terms thereof. Purchaser will be required to and agrees to repair and maintain the road by contributing his proportionate share of the total cost thereof in order to maintain accessibility to all acres bordering said private road. Purchaser's proportionate share shall be prorated according to the number of acres one has in proportion to the total number of acreages served by said road. This covenant to repair shall run with the land, and the cost of maintenance and repair of said road shall be a charge on the land in whosoever hands it shall be at the time of such maintenance or repair.

Begin at the northeast corner of the NE 1/4 of Section 32, Township 19 south, Range 1 East, Shelby County, Alabama/ thence in westerly direction along north line of said 1/4 Section 15.00 feet to point of beginning/ thence left 88°45' in southerly direction 531.88 feet; thence right 100°40'17" in northwesterly direction 503.70 feet; thence left 15°00' in westerly direction 30.00 feet; thence right 90°00' in northerly direction 30.00 Feet; thence in northeasterly Direction 655 feet, more or less, to point of beginning. According to survey of W. M. Varnon, Reg. No. 9324, dated January 24, 1985.

A tract of land situated in the NE 1/4 of Section 32, Township 19 South, Range 1 East, Shelby County, Alabama, more particularly described as follows: Commence at the NE corner of the NE 1/4 of Section 32, Township 19 South, Range 1 East, Shelby County, Alabama and run West along the North line of said Section 1161.94 feet to point of beginning; thence continue West along last described course 359.28 feet; thence left 93 deg. 04' 44" and run Southerly 479.25 feet; thence left 90 deg. 00' and run Northeasterly 358.77 feet; thence left 90 deg. 00' and run Northerly 460.05 feet to point of beginning.

According to survey of W. M. Varnon, Reg. No. 9324, dated April 10, 1985.

and to prevent the further subdivision in these premises, and to prevent the occupancy of any such building, structure, subdivision, lot, or parcel, or to prevent any illegal act, conduct, business, or misuse in and upon any premises regulated under the authority conferred by applicable laws and regulations, and further, that the said defendants should be assessed in these premises with all court costs and reasonable attorneys' fees for the time spent by the County attorney herein, as provided by Section 13, Act No. 82-693, as amended by Act No. 84-454, and as provided by all applicable laws, statutes, and regulations in these premises, and that said Intervening Plaintiff seeks other additional relief, as alleged and set forth in said suit.

Notice is further given that said suit is pending in said court.

Witness my hand this 8th day of August, 1985.

WALLACE, ELLIS, HEAD & FOWLER

By

Oliver P. Head

Attorneys for Defendant and
Intervening Plaintiff

WALLACE, ELLIS, HEAD & FOWLER
Box 587
Columbiana, Alabama 35051

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

1985 AUG -8 AM 10:04

Thomas W. [Signature]
JUDGE OF PROBATE

RECORDING FEES

Recording Fee	\$ <u>7.50</u>
Index Fee	\$ <u>8.00</u>
TOTAL	\$ <u>15.50</u>