

181A

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

ARTHUR JEROME HARRELL,
Plaintiff,
vs.
CLINTON BRUCE DARDEN;
NANCY E. DARDEN; "A"; "B"; &
"C"; being that or those
person(s), firms,
partnerships, corporations,
or entities that acted or
committed the acts complained
of by the Plaintiff,
Defendants.

CASE # CV 88- _____

NOTICE OF LIS PENDENS

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Comes now the ARTHUR JEROME HARRELL, and hereby gives notice to all persons concerned, pursuant to Code of Alabama 1975 §35-4-131 et seq. that it has filed the above styled Complaint claiming an interest in and affecting the below described property being situated in Shelby County, Alabama.

Lot 2734 Riverchase Country Club 27th Addition, as recorded in Map Book 11, Page 56, of the Probate Office Of Shelby County, Alabama.

Lot 701 Riverchase Country Club 7th Addition, as recorded in Map Book 8, Page 176 of the Probate Office Of Shelby County, Alabama.

The nature of the rights sought by the Plaintiff in the above action against the Defendants is attached as Exhibit "A".

CLIFTON S. PRICE, II
ATTORNEY AT LAW
HISTORIC LAKEVIEW SCHOOL
808 29TH STREET SOUTH
SUITE 300
BIRMINGHAM, ALABAMA 35205


Clifton S. Price, II
Attorney for the Plaintiff
808 29th Street S., Ste. #300
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Tele. 939-3999

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

ARTHUR JEROME HARRELL,

Plaintiff,

vs.

CASE # CV 88- _____

CLINTON BRUCE DARDEN;
NANCY E. DARDEN; "A"; "B"; &
"C"; being that or those
person(s), firms,
partnerships, corporations,
or entities that acted or
committed the acts complained
of by the Plaintiff,

Defendants.

COMPLAINT

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Comes now the Plaintiff, ARTHUR JEROME HARRELL, and claims of the Defendants, CLINTON BRUCE DARDEN, A/K/A C.B. DARDEN, A/K/A BRUCE DARDEN, NANCY E. DARDEN, and all fictitious parties who are not presently known to the Plaintiff, but will be substituted by the Plaintiff when discovered, that:

- COUNT ONE -

1. On or about February 14, 1988, the Defendants all, and also in particular CLINTON BRUCE DARDEN and NANCY E. DARDEN, represented to the Plaintiff with the intent to trick and deceive, the following:

A. That they were in need of monies, specifically TEN THOUSAND 0/100 DOLLARS (\$10,000.00) to complete construction of a house located in the Riverchase Subdivision of Shelby County, specifically,

Lot 701 Riverchase Country Club 7th Addition, as recorded in Map Book 8, Page 176 of the Probate Office Of Shelby County, Alabama.

B. That the money advanced by the Plaintiff would be used for the purpose of finishing the house, and that the Plaintiff would be given an interest in the house as security, and that the Defendants had the remaining sums needed to finance the construction.

C. That the Plaintiff would be paid Ten Per Cent (10%) interest annually on the outstanding indebtedness.

D. That the Plaintiff would receive Five Per Cent (5%) of the profit from the sale of the house.

E. That the sale price of the house to be sold was \$289,000.00.

2. The representations made by the Defendants were false, and the Defendants knew that they were false; or the Defendants, without knowledge of the true facts, recklessly misrepresented them, or the representations were made by mistake, but with the intention that the Plaintiff should rely on them. The Defendants misrepresented the actual cost of construction of the house, with knowledge that they intended to expend more on construction than the market in that particular neighborhood would bring upon sale. The Defendants further incurred debt secured by the house without

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consulting the Plaintiff, and further failed to deliver a mortgage to secure the Plaintiff's interests.

3. The Plaintiff believed the representations and in reliance upon them gave the Defendants TEN THOUSAND 0/100 DOLLARS (\$10,000.00).

WHEREFORE, the Plaintiff demands judgment in the amount of ONE MILLION 0/100 DOLLARS (\$1,000,000.00) including punitive damages, interest and costs.

- COUNT TWO -

1. On or about February 14, 1988, the Defendants all, and also in particular CLINTON BRUCE DARDEN and NANCY E. DARDEN, represented to the Plaintiff with the intent to trick and deceive, the following:

A. That they were in need of monies, specifically TEN THOUSAND 0/100 DOLLARS (\$10,000.00) to complete construction of a house located in the Riverchase Subdivision of Shelby County.

B. That the money advanced by the Plaintiff would be used for the purpose of finishing the house, and that the Plaintiff would be given an interest in the house as security.

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C. That the Plaintiff would be paid Ten Per Cent (10%) interest annually on the outstanding indebtedness.

D. That the Plaintiff would receive Five Per Cent (5%) of the profit from the sale of the house.

E. That the sale price of the house to be sold was \$289,000.00.

2. The Plaintiff advanced to the Defendants TEN THOUSAND 0/100 DOLLARS (\$10,000.00).

3. The Defendants converted the Plaintiff's money to their own use, maintaining a high lifestyle with expensive and frivolous expenses.

WHEREFORE, the Plaintiff demands of the Defendants the sum of TEN THOUSAND 0/100 (\$10,000.00), interest and costs.

- COUNT THREE -

Plaintiff incorporates all of the above and further says, that;

1. On or about August 29, 1988, the Defendants all, and also in particular CLINTON BRUCE DARDEN and NANCY E. DARDEN, represented to the Plaintiff with the intent to trick and deceive, the following:

A. That they were in need of monies, specifically TWENTY-FIVE THOUSAND, TWO HUNDRED 0/100 DOLLARS (\$25,200.00) to purchase a lot to construct a house in Shelby County, Alabama, specifically,

Lot 2734 Riverchase Country Club 27th Addition, as recorded in Map Book 11, Page 56, of the Probate Office Of Shelby County, Alabama.

B. That the money advanced by the Plaintiff would be used for the purpose of purchasing the lot, and that the Plaintiff would be given an interest in the lot as security, and that the Defendants had the remaining sums needed to finance the construction.

C. That the Plaintiff would be paid Ten Per Cent (10%) interest annually on the outstanding indebtedness.

D. That the Plaintiff would receive Five Per Cent (5%) of the profit from the sale of the house.

E. That the sale price of the house to be sold was \$289,000.00.

2. The representations made by the Defendants were false, and the Defendants knew that they were false; or the Defendants, without knowledge of the true facts, recklessly misrepresented them, or the representations were made by mistake, but with the intention that the Plaintiff should

rely on them. The Defendants misrepresented the actual cost of construction of the house, with knowledge that they intended to expend more on construction than the market in that particular neighborhood would bring upon sale. The Defendants further incurred debt secured by the lot without consulting the Plaintiff, and further failed to deliver a mortgage to secure the Plaintiff's interests.

3. The Plaintiff believed the representations and in reliance upon them gave the Defendants TWENTY-FIVE THOUSAND TWO HUNDRED 0/100 DOLLARS (\$25,200.00).

WHEREFORE, the Plaintiff demands judgement in the amount of ONE MILLION 0/100 DOLLARS (\$1,000,000.00) including punitive damages, interest and costs.

- COUNT FOUR -

1. On or about August 29, 1988, the Defendants all, and also in particular CLINTON BRUCE DARDEN and NANCY E. DARDEN, represented to the Plaintiff with the intent to trick and deceive, the following:

A. That they were in need of monies, specifically TWENTY-FIVE THOUSAND TWO HUNDRED 0/100 DOLLARS (\$25,200.00) to purchase a lot on which to build a house for resale located in the Riverchase Subdivision of Shelby County.

B. That the money advanced by the Plaintiff would be used for the purpose of purchasing the lot and constructing the house for resale, and that the Plaintiff would be given an interest in the house and lot as security.

C. That the Plaintiff would receive Fifty Per Cent (50 %) of the profit from the sale of the house.

2. The Plaintiff advanced to the Defendants TWENTY-FIVE THOUSAND TWO HUNDRED 0/100 DOLLARS (\$25,200.00).

3. The Defendants converted the Plaintiff's money to their own use, maintaining a high lifestyle with expensive and frivolous expenses. The Defendant Bruce Darden quit his employment as a firefighter and whiled away his time fishing and living a carefree lifestyle with the Plaintiff's money.

WHEREFORE, the Plaintiff demands of the Defendants the sum of TWENTY-FIVE THOUSAND TWO HUNDRED 0/100 DOLLARS (\$25,200.00), interest and costs.


Clifton S. Price, II
Attorney for the Plaintiff
808 29th Street S., Ste. #300
Birmingham, Alabama 35205
Tele. 939-3999

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PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY IN THIS CAUSE.


Clifton S. Price, II

PLAINTIFF'S ADDRESS:

3908 #1 Bearden Drive
Birmingham, Alabama 35243

SERVE DEFENDANT AT:

BRUCE DARDEN
Box 1007 McDonald Road Rt. 15
Birmingham, Alabama 35224

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

88 MAY 25 AM 9:44


JUDGE OF PROBATE

RECORDING FEES

Recording Fee	\$22.50
Index Fee	1.00
TOTAL	\$23.50