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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

DON HOGUE HOMEBUILDERS, INC. )  
Plaintiff, )

-vs-

CIVIL ACTION NO.

CV 89 - 9327

BOOK 268 PAGE 671

LONGLEAF, INC., an Alabama Corporation; JAMES D. DAVENPORT, an individual; DAVENPORT COMPANIES, an Alabama Corporation; CHICAGO TITLE INSURANCE COMPANY, a Missouri Corporation qualified to do business in the State of Alabama; and DONALD HUEY, an individual; FICTITIOUS DEFENDANTS "A", who owned an interest in Longleaf, Inc.; "B", who owned an interest in Davenport Companies; "C", who owned an interest in Lot 2 according to the Survey of Longleaf as recorded in Map Book 160, Page 1 in the Probate Office of Jefferson County, Alabama; "D", who sold the said lot to the Plaintiff; "E", who issued a title insurance commitment on said lot to the Plaintiff; "F", who did the things complained of in this complaint, whose true names are unknown to the Plaintiff at this time, but will be added by amendment when ascertained,

Defendants. )

Corretti & Newberry  
7th Ave No. 3

LIS PENDENS

TO THE JUDGE OF PROBATE OF SAID COUNTY:

You are hereby notified that on the 1st day of December, 1989, suit was begun by the Plaintiff in the Circuit Court of Jefferson County, Alabama, Civil Action No. CV 89-9327 and the following are the names of all parties to said suit: Don Hogue Homebuilders, Inc., Plaintiff, and Longleaf, Inc., an Alabama corporation; James D. Davenport, an individual; Davenport Companies, an Alabama corporation; Chicago Title Insurance Company, a Missouri Corporation, Donald Huey, an individual, et al, Defendants. The said suit claims breach of contract, breach of warranty, fraud, negligence and breach of fiduciary duty arising out of the sale and conveyance of property, between the Plaintiff and Defendants and insuring of the title of the property.

Upon information and belief, the Plaintiff believes that the Defendants, Longleaf, Inc., James D. Davenport, and Davenport Companies, are liquidating property and are otherwise disposing of real property which said real property is owned by or legal title is held by these Defendants and said properties would otherwise be available for execution on and in satisfaction of claims now pending.

The following described real estate situated in Jefferson County, Alabama is owned by or titled in the Defendants' Longleaf, Inc., James D. Davenport, or Davenport

Companies, or other corporations of which James D. Davenport is the alter ego and is involved herewith, to-wit:

Lot 9-A Resurvey of Lots 9 and 10 of Hickory Ridge Estates, recorded Map Book 157, Page 16 in the Office of the Judge of Probate of Jefferson County, Alabama. Parcel I.D. No. H28-33-3-0-2.9-RR01.

Lot 9 Block 2 of Tanglewood Brook Sector of Tanglewood Park recorded in the Office of the Judge of Probate of Jefferson County, Alabama. Parcel I.D. No. 28-29-3-1-26.

Lot 17 (Parcel I.D. No. 28-32-3-4-8.5); Lot 16 (Parcel I.D. No. 28-32-3-4-8.6; Lot 1 (Parcel I.D. No. 28-32-3-4-8.21; Lot 13 (Parcel I.D. No. 28-32-3-4-8.9; Lot 19 (Parcel I.D. No. 28-32-3-4-8.3; Lot 20 (Parcel I.D. No. 28-32-3-4-8.2; Lot 21 (Parcel I.D. No. 28-32-3-4-8.1; all in Timber Ridge Garden Homes recorded in the Office of the Judge of Probate of Jefferson County, Alabama.

The following described real estate situated in Shelby County, Alabama, is owned by or titled in the Defendants' Longleaf, Inc., James D. Davenport or Davenport Companies, or other corporations of which James D. Davenport is the alter ego.

Lot 38 Southlake Cove recorded in Volume 12, Page 98 in the Office of the Judge of Probate of Shelby County, Alabama. (Sudvision records.)

This lis pendens is filed under the authority of statute, equity and J.C. Jacobs Banking Co. v. Campbell, 406

So. 2d 834 (Ala. 1981).

IN WITNESS WHEREOF, the undersigned has on this 4<sup>th</sup>  
day of December, 1989, set his hand and seal.

[Signature]  
WITNESS

[Signature]  
WITNESS

Don Hogue  
DON HOGUE

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Don Hogue, whose name is signed to the foregoing Lis Pendens, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Lis Pendens, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 4<sup>th</sup> day of December, 1989.

[Signature]  
NOTARY PUBLIC

My Commission Expires June 9, 1992

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

89 DEC -4 PM 2:05

[Signature]  
JUDGE OF PROBATE

|              |    |       |
|--------------|----|-------|
| 1. Deed Tax  | \$ |       |
| 2. [unclear] | \$ |       |
| 3. [unclear] | \$ | 10.00 |
| 4. [unclear] | \$ | 7.00  |
| 5. [unclear] | \$ |       |
| 6. [unclear] | \$ | 1.00  |
| Total        | \$ | 18.00 |