

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

Plaintiff,

vs.

IN THE PROBATE COURT

OF SHELBY COUNTY, ALABAMA

CASE NO.

29-004

AmSouth Bank N.A. as Trustee
Under the Will of H. G. Woodward,
Deceased, The First National Bank
of Birmingham, as Trustee under
the Last Will and Testament
of Harvey G. Woodward, deceased,
The First National Bank of
Birmingham, as Trustee under
the Last Will and Testament
of Harvey G. Woodward, deceased,
for the benefit of Alabama
Educational Foundation, AmSouth
Bank N.A., successor to The
First National Bank of Birmingham,
as Trustee under the Last Will and
Testament of Harvey G. Woodward,
deceased, AmSouth Bank N.A.,
successor to The First National
Bank of Birmingham, as Trustee
under the Last Will and Testament
of Harvey G. Woodward, deceased,
for the benefit of Alabama
Educational Foundation,
Alabama Educational Foundation,
a corporation, Alabama
Educational Foundation, an
association composed of X, Y and Z,
whose names are otherwise unknown
to the plaintiff, but whose true
names will be added by amendment
when ascertained,
A, B, C & D, the person,
firms or corporations who,
unknown to your plaintiff,
claim any right, title,
interest in or lien or
encumbrance against any of
the properties described
herein, hereinafter re-
ferred to as "unknown
claimants" and whose name,
existence and identity
cannot be provided after
the exercise of reasonable
diligence, and whose interest
in said property is otherwise
unknown,

Defendants.

NOTICE OF LIS PENDENS

TO THE HON. THOMAS A. SNOWDEN, JR., JUDGE OF PROBATE OF
SHELBY COUNTY, ALABAMA:

Comes now, Shelby County, Alabama, a political subdivi-
sion of the State of Alabama, by its attorney, and files herewith
notice to all persons concerned that on the 27th day of
March, 1990, condemnation proceedings were com-
menced in the Probate Court of Shelby County, Alabama, whereby
said Shelby County, Alabama, a political subdivision of the State

of Alabama, seeks to obtain certain public rights of way and other rights, and said proceedings are now pending.

The above named defendants own the property described as follows:

Shown on Exhibit One attached hereto and made part and parcel hereof as fully as if set out herein.

Description of above property is taken from right of way map of said project on file in the Office of the Probate Judge of Shelby County, Alabama.

The title of the action and the case number thereof are as hereinabove designated.

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

By

[Signature]
Attorney for said Plaintiff

STATE OF ALABAMA

SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

I hereby certify that the within Lis Pendens was filed in this office for record on the _____ day of _____, 1990, at _____ o'clock _____ .m. and duly recorded in Real Book _____ at Page _____, and examined.

Judge of Probate

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EXHIBIT ONE

FOR A TEMPORARY 30' FOOT CONSTRUCTION EASEMENT

Commence at the Northwest corner of the Southwest Quarter Section 32, Township 19 South, Range 2 West, Huntsville Meridian lying in Shelby County Alabama Thence $S00^{\circ}09'15''E$ along the west line of said Section 32, Township 19 South, Range 2 West, for a distance of 331.13' to the South right-of-way line of Alabama Highway No. 119 (Also Known as Cahaba Valley Road). Thence $N46^{\circ}13'41''E$ and along said South right-of-way a distance of 259.09' to an Alabama State Highway Department concrete monument found; said concrete monument being station 55+85 as shown on Alabama State Highway Departments Plan and Profile of Intersection between State Road No. 119 and Interstate 65 Sheet 2 of 3 dated 1977; thence continue Northeasterly along said south right-of-way of State Highway No. 119 a distance of 408.6' more or less to an Alabama State Highway Department concrete monument found; said concrete monument being station 59+75 as shown on Alabama State Highway Departments Plan and Profile of Intersection between State Road No. 119 and Interstate 65 sheet 2 of 3 dated 1977; thence in a southwesterly direction along said State Highway No. 119 a distance of 80.73 to a point on the south right-of-way of said highway for the point of beginning. Thence $S00^{\circ}09'15''E$ and parallel with the west line of said Section 32, Township 19 South, Range 2 West, a distance of 979.3' more or less, thence $S03^{\circ}39'45''E$ and parallel with the east property line of Charles A. and Jean B. (His Wife) Zabel as described in book 170 page 73 Shelby County Alabama a distance of 169 feet more or less (said line is 20 feet easterly of the east property line of said Zabel property) to the centerline of Cahaba Valley Creek (Also known as Cahaba Creek) Thence easterly along the centerline of said creek a distance of 30 feet more or less, thence $S03^{\circ}39'45''W$ and parallel with the east line of the Zabel property a distance of 168' more or less to a point, thence $N00^{\circ}09'15''W$ and parallel with the west line of Section 32, Township 19 South, Range 2 West, a distance of 1009' more or less to a point on the south right-of-way of Alabama State Highway No. 119 thence in a southwesterly direction along the south right-of-way of said Highway No. 119 a distance of 42.88 to the point of beginning.

Said land being in the Northwest Quarter and the Southwest Quarter of Section 32, Township 19 South, Range 2 West and containing 0.80 acres more or less, and describing a parcel of land between the south right-of-way of Alabama State Highway No. 119 and the centerline of Cahaba Creek.

OVERALL FOR A 20' UTILITY EASEMENT

Commence at the Northwest Corner of the Southwest Quarter, Section 32, Township 19 South, Range 2 West, Huntsville Meridian lying in Shelby County Alabama thence $S00^{\circ}09'15''E$ along the west line of said Section 32, Township 19 South, Range 2 West for a distance of 331.13' to the South right-of-way line of Alabama Highway No. 119, also known as Cahaba Valley Road. Thence run $N46^{\circ}13'41''E$ along said south right-of-way a distance of 259.09' to an Alabama State Highway Department concrete monument found; said concrete monument being station 55+85 as shown on Alabama State Highway Departments plan and profile of intersection between State Road No. 119 and Interstate 65 Sheet 2 of 3 dated 1977; Thence continue northeasterly along said south right-of-way of State Highway No. 119 a distance of 408.6' more or less to an Alabama State Highway Department concrete monument found; said concrete monument being station 59+75 as shown on Alabama State Highway Departments Plan and profile of intersection between State Road No. 119 and Interstate 65 sheet 2 of 3 dated 1977; thence in a southwesterly direction along said State Highway No. 119 a distance of 80.73 to a point on the south right-of-way of said Highway for the point of beginning. Thence continue in a southwesterly direction along said south right-of-way a distance of 28.24 to a point on the south right-of-way of said Highway No. 119, thence $S00^{\circ}09'15''E$ and parallel with the west line of Section 32, Township 19 South, Range 2 West a distance of 960' more or less to a point in the centerline of an old creek bed; said point being the Northeast corner of the Charles A. and Jean B. (His Wife) Zabel property as described in book 170 page 73 Shelby County Alabama. Thence $S03^{\circ}39'45''E$ along the centerline of said old creek bed and being the east property line of Charles A. and Jean B. (His Wife) Zabel property as described in book 170 page 73 Shelby County Alabama a distance of 169 feet more or less to the centerline of Cahaba Valley Creek (Also Known as Cahaba Creek) Thence easterly along the centerline of said creek a distance of 20 feet more or less, thence $N03^{\circ}39'45''W$ and parallel with the east line of the Zabel property a distance of 169' more or less to a point, thence $N00^{\circ}09'15''W$ and parallel with the West line of Section 32, Township 19 South, Range 2 West, a distance of 979.3' more or less to the point of beginning.

Said land being in the Northwest Quarter and the Southwest Quarter of Section 32, Township 19 South, Range 2 West, and containing 0.52 Acres more or less, and describing a parcel of land between the south right-of-way of Alabama Highway No. 119 and the centerline of Cahaba Creek.

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90 APR -2 AM 11:21
JUDGE OF PROBATE
CERTIFY THIS INSTRUMENT WAS FILED