

1157

NOTICE OF PENDENCY OF COMPLAINT  
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. CV-92-179



TO: A parcel of land described as follows:

Commence at the NE corner of Section 2, Township 22 South, Range 1 West; thence run Southwardly along the East line of said Section for a distance of 210.0 feet to the point of beginning; thence continue along last described course for a distance of 401.71 feet, more or less, to the North line of current property of Ethel Tyce; thence turn an angle to the right of 111 deg. 18' 03" for a distance of 449.04 feet, more or less, along the North line of said Ethel Tyce property, to the Easterly right of way of Shelby County Highway #37; thence turn an angle to the left of 129 deg. 45' 27" and run along said right of way for a distance of 540.00 feet; thence turn an angle to the right of 105 deg. 25' 45" for a distance of 96.07 feet; thence turn an angle to the left of 88 deg. 58' 21" for a distance of 361.50 feet; thence turn an angle to the left of 91 deg. 01' 39" for a distance of 361.50 feet to the SE corner of the NE 1/4 of the NE 1/4 of said Section 2; thence turn angle to the right of 91 deg. 01' 39" for a distance of 661.61 feet to the SE corner of the North 1/2 of the SE 1/4 of the NE 1/4 of said Section; thence turn an angle to the right of 88 deg. 58' 07" for a distance of 1,335.35 feet to the SW corner of said North 1/2; thence turn an angle to the right of 91 deg. 04' 44" and run Northwardly along the West line thereof for a distance of 1,729.51 feet; thence turn an angle to the right of 88 deg. 57' 01" for a distance of 255.62 feet; thence turn an angle to the left of 88 deg. 57' 01" for a distance of 255.62 feet to the North line of said Section 2; thence turn an angle to the right of 88 deg. 57' 01" for a distance of 868.08 feet; thence turn an angle to the right of 91 deg. 00' 08" for a distance of 210.00 feet; thence turn an angle to the left of 91 deg. 00' 08" for a distance of 210.00 feet to the point of beginning.

LESS AND EXCEPT that part of the above described that falls within the right of way of Shelby County Highway No. 37.

LESS AND EXCEPT any part of the N 1/2 of SE 1/4 of NE 1/4, Section 2, Township 22 South, Range 1 West, lying East of Shelby County Highway #37.

James Harwell and T.J. Maxwell, their heirs or devisees, if deceased; and such persons and the heirs and devisees of such persons, if deceased, who, unknown to the plaintiffs claim or are reputed to claim any title to or interest in, or lien or encumbrance on said lands or any part thereof, and all claimants, persons, associations, or corporations, who, unknown to the plaintiff claim or are reputed to claim an interest in or to the above described property or any part thereof.

Take notice that Weaver Agency of Bessemer, Inc., on the 16th Day of March, 1992, filed in the Circuit Court of Shelby County, Alabama, certified

BOOK 394 PAGE 705

complaint, pursuant to the Provisions of Title 6-6-560, Code of Alabama, 1975, as amended, et seq. against you and the above described land for the purposes of establishing title to said land in the said Weaver Agency of Bessemer, Inc., and to clear up all doubts and disputes concerning the same and that said suit is now pending in said court.

Plaintiff alleges in said complaint that title to said lands stand upon the records of the Judge of Probate, Shelby County, Alabama, in the name of Plaintiff and that he owns in his own right an entire, absolute, fee simple title to and interest in said lands, and that he acquired said lands and an absolute fee simple title thereto, under deed executed by Philander L. Butler, Dorothy B. Jones; Nancy B. Andrews, and Rosemary B. Butler Altice, to Weaver Agency of Bessemer, Inc., dated March 14, 1988, and filed for record in the Probate Office of Shelby County, Alabama in Real Record 177, Page 807.

Plaintiff further alleges that it is in the actual and peaceable possession of said lands and that it and its predecessors in title have been in such possession for more than ten years next preceding the filing of said complaint, to-wit: since January 11, 1967 and that no other person has been in possession of said land or any part thereof during such ten year period.

Plaintiff further alleges in said complaint that he and his predecessors in title have held color of title to said lands for a period exceeding the ten years next preceding the filing of said complaint and no other person has held color of title to said land or any part thereof during said period.

Plaintiff further alleges that he and his predecessors in title have assessed said lands for taxes and have paid taxes thereon for and during the

ten years next preceding the filing of said complaint and that no other person has assessed or paid any taxes on said lands during such ten year period.

Plaintiff further alleges that after a diligent search it has been unable to ascertain the names, ages and whereabouts of James Harwell and T.J. Maxwell, their heirs or devisees, if deceased.

You and each of you are hereby directed to plead, answer to said verified complaint before the 8th day of May, 1992, or suffer a default judgment to be rendered against you.

It is therefore, ordered by the Undersigned Register that publication of this notice be made in the Shelby County Reporter, a newspaper published and having a general circulation in Shelby County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming any title to, interest in, or lien or encumbrance upon, the above described real estate, or any part thereof, or any interest therein, be, and they are hereby required to plead, or answer to the complaint in this cause within the time required by law, and now later than the 8th day of May, 1992.

It is further ordered that a copy of this notice certified by the undersigned Register, as being correct, shall be recorded as a lis pendens in the Office of the Judge of Probate of Shelby County, Alabama.

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

92 MAR 16 AM 10:25

*Dan Reeves*  
Dan Reeves

Register of the Circuit Court  
of Shelby County, Alabama

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|------------------|-------|
| 1. Filing Fee    |       |
| 2. Copy Fee      |       |
| 3. Recording Fee | 7.50  |
| 4. Return Fee    | 3.00  |
| 5. Total Fee     | 10.50 |
| 6. Recorded Fee  | 1.00  |
| 7. Total         | 11.50 |

State of Alabama) *[Signature]*  
Shelby County) JUDGE OF PROBATE

I, the undersigned Dan Reeves, Register of the Circuit Court of Shelby County, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the notice to be published to the Defendants in the above and foregoing suit.

WITNESS my hand and seal of office this 16 day of March, 1992

*Dan Reeves*  
Dan Reeves  
Register

BOOK 394 PAGE 707