


STATE OF ALABAMA)
)
COUNTY OF SHELBY)

NOTICE OF LIS PENDENS

Take notice that a civil action was commenced on Thursday, December 22, 1994, in the Circuit Court of Shelby County, Alabama, by Weatherly Enterprises, Inc. ("Plaintiff"), versus Weatherly Joint Venture, L.L.C. and Weatherly Investment Group, L.L.C. ("Defendants"), civil action number CV-94-799, which action, among other things, seeks injunctive and/or mandatory relief requiring Defendants to convey and/or develop the real property described on Exhibit A hereto ("Property").

NOW THEREFORE, Plaintiff hereby gives notice of lis pendens in accordance with Ala. Code § 35-4-131 (1975), and that Plaintiff has a right or interest in the Property.

This 27th day of December, 1994.


Raymond P. Fitzpatrick, Jr.
Attorney for Weatherly Enterprises, Inc.

✓ OF COUNSEL:

JOHNSTON, BARTON, PROCTOR,
SWEDLAW & NAFF
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203-2618
(205) 458-9400

Inst # 1994-37481

12/27/1994-37481
03:47 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 16.00

Inst # 1994-37481

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Raymond P. Fitzpatrick, Jr. whose name is signed to the foregoing Notice of Lis Pendens, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily the day the same bears date.

GIVEN under my hand and official seal this 27th day of December, 1994.

Hal J.
Notary Public
My Commission Expires: 3/17/97

EXHIBIT A

PARCEL I

All of Section 28, Township 20 South, Range 2 West, situated in Shelby County, Alabama. Less and except the Northwest Quarter of the Northwest Quarter.

PARCEL II

The North one-fourth of Section 33, Township 20 South, Range 2 West, situated in Shelby County, Alabama.

PARCEL III

The North one-half of the Northwest Quarter; and the Northeast Quarter of the Northeast Quarter of Section 32, Township 20 South, Range 2 West, situated in Shelby County, Alabama.

PARCEL IV

The South half; and the East one-half of the Northeast Quarter of Section 31, Township 20 South, Range 2 West, situated in Shelby County, Alabama.

PARCEL V

NW 1/4 of NE 1/4, Section 32, Township 20 South, Range 2 West, Shelby County, Alabama.

PARCEL VI

SW 1/4 of NW 1/4 and W 1/2 of SE 1/4 of NW 1/4, all in Section 32, Township 20 South, Range 2 West, Shelby County, Alabama.

PARCEL VII

Begin at the NW corner of the SW 1/4 - NW 1/4 of Section 33, Township 20 South, Range 2 West; thence S 87 deg-34' -13" E a distance of 3000.00'; thence S 54 deg-23' -13" W a distance of 3730.91'; thence N 0 deg-53' -51" E a distance of 983.26'; thence N 0 deg-53' -17" E a distance of 1316.74' to the point beginning. Containing 79.17 acres, more or less.

PARCEL VIII

Commence at the S.W. corner of the S.W. 1/4 of the N.W. 1/4 Section 31, Township 20 South, Range 2 West; thence N. 01deg-32'38" W and run a distance of 1272.97'; thence N 89deg-11'03" W and run a distance of 443.22' to the Easterly Right-Of-Way; thence N 24 deg-23'28" E and along said Right-Of-Way and run a distance of 23.98'; thence N 02deg-07'48" W and along said Right-Of-Way and run a distance of 661.44' to The Point of Beginning; thence continue along the last described course and along said Right-Of-Way a distance of 947.77' to the intersection Shelby County Highway 11 (R.O.W. Varies); thence N 49deg-48'43" E and run a distance of 100.00'; thence N 89deg-39'26" E and run a distance of 80.34'; thence N 44deg-17'210" E and run a distance of 364.72'; thence N 25deg-43'10" E and run a distance of 109.61'; thence N 49deg-45'56" E and run a distance of 246.18'; thence S 41deg-09'31" E and run a distance of 662.14'; thence S 01deg-32'38" E and run a distance of 1031.09'; thence S 89deg-54'26" W and run a distance of 1075.24' to The Point of Beginning. Said parcel contains 30.27 acres more or less.

PARCEL IX

Commence at the S.W. corner of the S.W. 1/4 of the N.W. 1/4 Section 31, Township 20 South, Range 2 West; thence N 01deg-32'38" W and run a distance of 411.53' to The Point of Beginning; thence continue along the last described course a distance of 861.44'; thence N 89deg-11'03" W and run a distance of 443.22' to the Easterly Right-Of-Way of I-65 (R.O.W. varies); thence N 24deg-23'28" E and run along said Right-Of-Way a distance 23.98'; thence N 02deg-07'48" W and along said R.O.W. a distance of 661.44'; thence N 89deg-54'26" E and leaving said R.O.W. run a distance of 1075.24'; thence S 01deg-32'38" E and run a distance of 1622.56'; thence S 89deg-54'26" W and run a distance of 635.97' to The Point of Beginning. Said parcel contains 30.55 acres more or less.

PARCEL X

Commence at the S.W. corner of the S.W. 1/4 of the N.W. 1/4 Section 31, Township 20 South, Range 2 West; thence N 89deg-54'26" E and run a distance of 635.97'; thence N 01deg-32'38" W and run a distance of 411.53'; thence S 89deg-54'26" W and run a distance of 635.97'; thence S 01deg-32'38" E and run a distance of 411.53' to The Point of Beginning. Said parcel contains 6.00 acres more or less.

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