

THIS INSTRUMENT PREPARED BY:
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NOTICE OF PENDENCY OF LITIGATION

**TO THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, AND ALL OTHER
INTERESTED PERSONS OR LEGAL ENTITIES:**

You are hereby notified that on March 7, 1996, an Appeal to the Supreme Court of Alabama was filed by the undersigned attorney on behalf of Thomas J. Curtin, Sr., regarding certain litigation in the Circuit Court of Jefferson County, Alabama, Civil Action No. CV-94-1059-JDC. The following are all of the parties to said action:

Plaintiffs

**William H. Mills, as Receiver
of Employers Insurance Company
of Alabama**

Defendants

Kadco, Inc. and
Thomas J. Curtin, Sr.

Said appeal seeks to have appellant's motion for Rule 60(b) relief addressed. Should the appellate court find for the appellant and reverse the denial of the Rule 60(b) motion, in which appellant sought to set aside the Pro Tanto Release and the conveyance of the real property to Kadco, Inc. and to reinstate the Meadowbrook Cluster Homes Phase II "Right of Last Offer" Agreement, appellant intends to enforce its rights under said agreement.

The majority of the real property at issue is described as that certain property known as Meadowbrook Cluster Home Phase II, said property being a 12.90 acre, more or less, parcel of land situated in the NE 1/4 of Section 1, Township 19 S, Range 1 W, and also situated in the NE 1/4 of Section 6, Township 19 S, Range 1 E.

Charles R. Driggs
Attorney for Thomas J. Curtin, Sr.

OF COUNSEL:
Sirote & Permutt, P.C.

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SHELBY COUNTY JUDGE OF PROBATE

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