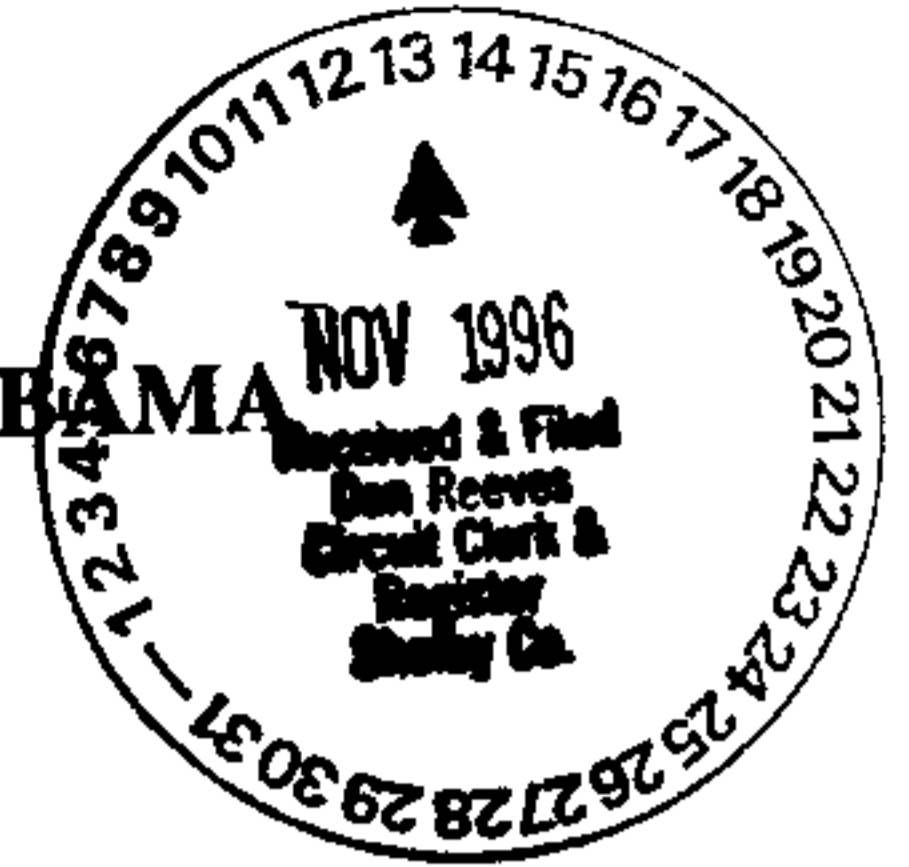


**NOTICE OF PENDENCY OF COMPLAINT  
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

CIVIL ACTION NO.: CV-96-839



TO: Parcel I:

Commence at the northeast corner of the SE 1/4 of the SW 1/4 of Section 5, Township 22 south, Range 3 west, Shelby County, Alabama and run thence southerly along the east line of said quarter-quarter section a distance of 238.96' to a point; thence turn 81 deg. 57 min. 58 sec. right and run west-southwesterly a distance of 812.31' to a steel pin corner on the south margin of a public road or easement known as Old Buttermilk Road or Jennifer's Cove Road and the point of beginning of the property being described; Thence continue along last described course and an existing fence line 89.30' to a steel pin corner; Thence turn 24 deg. 40 min. 49 sec. right to chord and run a chord distance of 106.97' to a steel pin corner; Thence turn 20 deg. 07 min. 39 sec. right from chord and continue along south margin of said road or easement and an existing fence a distance of 436.65' to a steel pin corner; Thence turn 5 deg. 55 min. 29 sec. right and continue along said south margin of said road or easement and said fence a distance of 295.92' to a steel pin corner; Thence turn 118 deg. 12 min. 01 sec. left and run southerly along an existing fence line 321.26' to a point in the centerline of an existing branch; Thence turn 59 deg. 10 min. 35 sec. left and run southeasterly along said branch 128.18' to a point; Thence turn 17 deg. 05 min. 08 sec. left and continue along said branch 83.11' to a point; Thence turn 22 deg. 51 min. 44 sec. right and continue along said branch a distance of 375.48' to a point; Thence turn 10 deg. 56 min. 52 sec. right and continue along said branch 117.28' to a point; Thence turn 93 deg. 16 min. 07 sec. left and continue along said branch 33.22' to a point; Thence turn 77 deg. 25 min. 36 sec. right and continue along said branch 54.65' to a point; thence turn 1 deg. 58 min. 55 sec. right and run 67.88' to a steel pin corner; Thence turn 27 deg. 53 min. 33 sec. right and run 58.00' to a point in the centerline of same said branch; Thence turn 42 deg. 19 min. 12 sec. left and continue along said branch 115.00' to a point in the intersection of two branches; Thence turn 149 deg. 35 min. 25 sec. left and run northwesterly along existing branch 100.00' to a point; Thence turn 74 deg. 12 min. 48 sec. right and continue along said branch 139.40' to a point; Thence turn 24 deg. 16 min. 01 sec. right and continue along said branch 70.47' to a point; Thence turn 28 deg. 43 min. 12 sec. left and continue along said branch 60.41' to a point; Thence turn 12 deg. 24 min. 29 sec. right and continue along said branch 66.30' to a point; Thence turn 77 deg. 21 min. 48 sec. left and run northwesterly along an existing fence line 179.77' to a steel pin corner; thence turn 22 deg. 43 min. 00 sec. right and continue along an existing fence line 98.46' to the point of beginning, containing 8.00 acres and subject to any and all agreements, easements, rights of way, restrictions, conditions and/or limitations of probated record and/or applicable law.

1592E-9661 # 1st J

Parcel II:

Inst # 1996-37651

1 11/14/1996-37651  
08:16 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 MCD 18.50

*James F. Feinester*

Commence at the northwest corner of the SW 1/4 of the NW 1/4 of Section 15, Township 20 South, Range 3 west, Helena, Shelby County, Alabama and run thence easterly along the north line of said quarter-quarter section a distance of 415.66' to a steel pin corner and the point of beginning of the property being described; Thence continue along last described course 602.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. right and run southerly a distance of 265.15' to a steel pin corner on the north right of way line of the CSX Railroad Right of Way; Thence turn 75 deg. 11 min. 17 sec. right and run west-southwesterly along said railroad right of way a distance of 149.98' to a steel pin corner; Thence turn 104 deg. 48 min. 43 sec. right and run northerly a distance of 94.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. left and run westerly a distance of 457.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. right and run northerly a distance of 210.00' to a point of beginning, containing 3.15 acres and subject to any and all agreements, easements, rights of way, restrictions, conditions, and/or limitations of probated record and/or applicable law.

And

BERTHA VERNON, her heirs or devisees, if deceased; J. C. ALLEN, his heirs or devisees, if deceased; O. S. ALLEN, his heirs or devisees, if deceased; OTIS WILLIAMS, his heirs or devisees, if deceased; ELEANOR A. WILLIAMS, her heirs or devisees, if deceased; C. T. DAVIDSON, his heirs or devisees, if deceased; R. B. DAVIDSON, his heirs or devisees, if deceased; J. W. DAVIDSON, his heirs or devisees, if deceased; J. DAVID ROYAL, his heirs or devisees, if deceased; TRENYON H. GAMBLE, his heirs or devisees, if deceased; RALPH E. COLEMAN, his heirs or devisees, if deceased; LARRY W. HOLSOMBACK, his heirs or devisees, if deceased; "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M", being those persons and the heirs or devisees of those persons, if deceased, who, unknown to the plaintiff, 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, partnerships, or corporations who, unknown to the plaintiff, claim or are reputed to claim an interest in or to the above described real property or any part thereof.

Defendants.

Take notice that Gerald W. Boothe, on the 13<sup>th</sup> day of November, 1996, filed in the Circuit Court of Shelby County, Alabama, his verified complaint, pursuant to the provisions of the Code of Alabama, 1975, against you and the above described land for the purposes of establishing title to said land in the said Gerald W. Boothe, 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 the said lands. Plaintiff further alleges that he acquired Parcel I and an absolute fee simple title thereto under certificate of purchase from the Shelby County Tax Collector dated May 27, 1986, and tax deed executed by Shelby County Probate Judge Thomas A. Snowden, Jr. to Gerald W. Boothe and Robert G. Boothe on May 31, 1989 and recorded on June 1, 1989 in Book 240, page 945 in the Probate Office of Shelby County, Alabama, and under quit claim deed executed by Clayton McRee and Irene McRee to Gerald W. Boothe and wife Carol Boothe on July 25, 1994 and recorded on July 28, 1994 as Instrument # 1994-23558 in the Probate Office of Shelby County, Alabama, and under quit claim deed executed by Robert G. Boothe and Mildred L. Boothe to Gerald W. Boothe on September 30, 1996, and recorded on October 2, 1996 as Instrument # 1996-32502 in the Probate Office of Shelby County, Alabama. Plaintiff further alleges that he acquired Parcel II and an absolute fee simple title thereto under tax deed executed by Shelby County Probate Judge Thomas A. Snowden, Jr. to Gerald W. Boothe and Larry W. Holsomback on May 21, 1984 and recorded on May 22, 1984 in Book 355, page 648 in the Probate Office of Shelby County, Alabama, and under instrument executed by Larry Holsomback to Gerald W. Boothe on June 28, 1985 and recorded on July 13, 1988 in Book 193, page 881 in the Probate Office of Shelby County, Alabama.

Plaintiff further alleges that he is in the actual and peaceable possession of said lands and that he and his predecessors in title have been in such possession for more than ten years next preceding the filing of said complaint, to-wit: since May 27, 1986 as to Parcel I and May 20,



1981 as to Parcel II, 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 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, he has been unable to ascertain the names, ages and whereabouts of BERTHA VERNON, her heirs or devisees, if deceased; J. C. ALLEN, his heirs or devisees, if deceased; O. S. ALLEN, his heirs or devisees, if deceased; OTIS WILLIAMS, his heirs or devisees, if deceased; ELEANOR A. WILLIAMS, her heirs or devisees, if deceased; C. T. DAVIDSON, his heirs or devisees, if deceased; R. B. DAVIDSON, his heirs or devisees, if deceased; J. W. DAVIDSON, his heirs or devisees, if deceased; J. DAVID ROYAL, his heirs or devisees, if deceased; TRENYON H. GAMBLE, his heirs or devisees, if deceased; RALPH E. COLEMAN, his heirs or devisees, if deceased; LARRY W. HOLSOMBACK, his heirs or devisees, if deceased.

You and each of you are hereby directed to plead answer to said verified complaint before the 10<sup>th</sup> day of January, <sup>1997</sup>~~1996~~, 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 property, 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 not later than the 10<sup>th</sup> day of January, ~~1996~~<sup>1997</sup>.

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.

Don Reuss  
Register of the Circuit Court of Shelby  
County, Alabama

STATE OF ALABAMA            )  
  )  
COUNTY OF SHELBY         )

I, the undersigned, 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 13 day of November, 1996.

Don Reuss  
Register

[JWFREALPROPBOO THE.CMP]

Inst # 1996-37651

5 11/14/1996-37651  
08:16 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 MCD 18.50