

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

CIVIL ACTION NO. CV-97-817

TO:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 3 WEST, BEING THE SAME LAND DESCRIBED IN A DEED TO DAUGHERTY ASSOCIATES RECORDED IN INSTRUMENT #1992-030519, OF THE REAL PROPERTY RECORDS OF SHELBY COUNTY, ALABAMA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH 00 DEGREES 36 MINUTES 51 SECONDS WEST ALONG THE EAST LINE OF SAID SIXTEENTH SECTOR, A DISTANCE OF 1242.12 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165; THENCE NORTH 88 DEGREES 40 MINUTES 02 SECONDS WEST A DISTANCE OF 403.51 FEET TO A 1/2 INCH CRIMPED PIPE, FOUND ON THE EAST RIGHT OF WAY OF INTERSTATE HIGHWAY NO. 65; THENCE SOUTH 11 DEGREES 55 MINUTES 34 SECONDS WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 309.31 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 00 DEGREES 09 MINUTES 06 SECONDS WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 288.42 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE NORTH 45 DEGREES 32 MINUTES 26 SECONDS EAST A DISTANCE OF 233.00 FEET TO A 1 1/2 INCH PIPE, FOUND; THENCE SOUTH 23 DEGREES 16 MINUTES 08 SECONDS EAST, A DISTANCE OF 392.00 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 88 DEGREES 45 MINUTES 57 SECONDS EAST A DISTANCE OF 95.31 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 00 DEGREES 36 MINUTES 51 SECONDS EAST A DISTANCE OF 442.14 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 88 DEGREES 45 MINUTES 57 SECONDS EAST A DISTANCE OF 60.03 FEET TO THE POINT OF BEGINNING.

ACCORDING TO SURVEY OF SID WHEELER, RLS #16165, DATED 7-23-97.

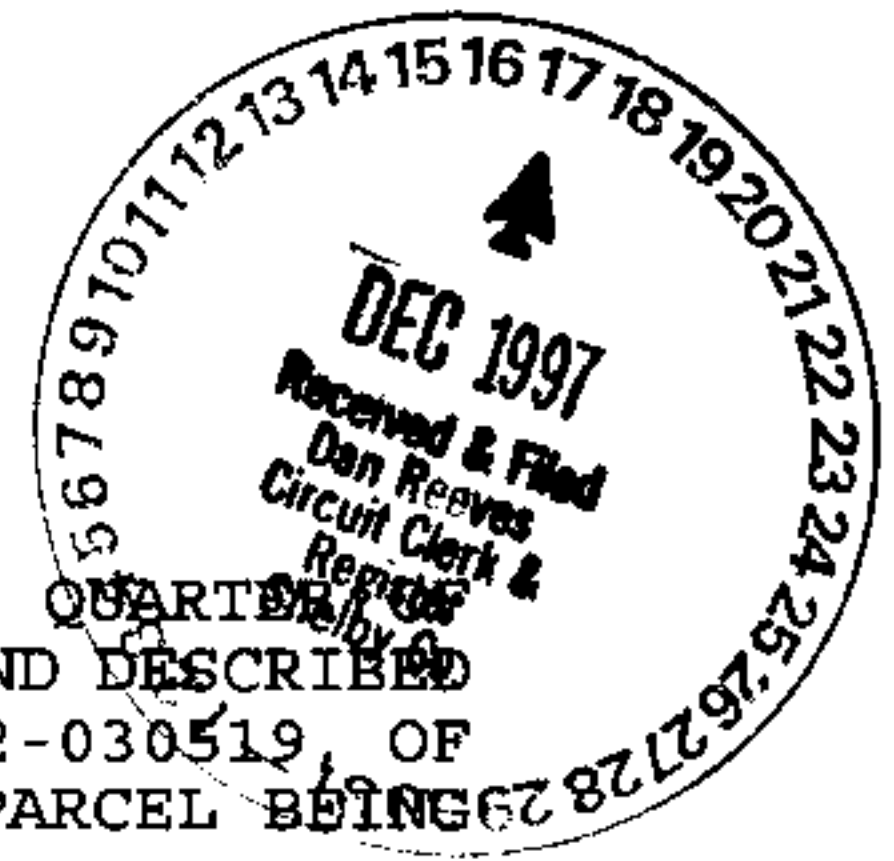
Take notice that Daugherty Associates, an Alabama general partnership, on the 14th day of October, 1997, filed in the Circuit Court of Shelby County, Alabama, certified complaint, pursuant to the Provisions of Title 6-6-560, Code of Alabama, (1975), as amended, et seq., against you and the above described land for the purpose of establishing title to said land in the said Daugherty Associates, an Alabama general partnership, 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 the Plaintiff and that they own in their own right an entire, absolute, fee simple title to and interest in said lands, and that they acquired said lands and an absolute fee simple title, thereto, under that certain Tax Sale Docket 26, Page 46, from Owner Unknown to John Daugherty, dated May 27, 1986; and under those certain deeds from G.L. Bunkley to John Daugherty, dated June 2, 1987, recorded in Real Record 134, Pages 354 and 356; from Byers and Rose Harris to John Daugherty, dated June 2, 1987, recorded in Real Record 134, Pages 355 and 357; from Allison Griffin, Jr., to John Daugherty, dated May 11, 1989, recorded in Real Record 238, Pages 584 and 585; from Thomas C. Lee, Sr. to John Daugherty, dated June 7, 1989, recorded in Real Record 241, Pages 841 and 844; from Joshua Lee to John Daugherty, dated June 7, 1989, recorded in Real Record 241, Pages 842 and 843; from John Hines, Jr., to John Daugherty, dated July 18, 1990, recorded in Real Record 301, page 487; and from John Daugherty to Daugherty Associates, dated December 17, 1992, recorded as Instrument #1992-30519, all in the Probate Office of Shelby County, Alabama.

Plaintiff further alleges that they are in actual and peaceable possession of said lands and that they and their predecessors in title have been in such possession for more than ten years next preceding the filing of said complaint, to-wit: May 27, 1986, 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 the

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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 they and their 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, they have been unable to ascertain the names, ages and whereabouts of all unknown parties A, B & C.

You and each of you are hereby directed to plead, answer to said verified complaint before the 13th day of February, 1998, 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 not later than the 13th day of February, 1998.

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.

Dan Reeves

Dan Reeves, Register of the
Circuit Court of Shelby
County, Alabama.

STATE OF ALABAMA
SHELBY COUNTY

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 17 day of December, 1997.

Dan Reeves

Dan Reeves, Register

TO SHELBY COUNTY REPORTER:

Please publish above notice for four consecutive weeks to wit:

December 24, 1997, December 31, 1997, January 7, 1998 & January 14, 1998.

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