



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SHELIA D. KISH,
PLAINTIFF

CASE NO. CV-98-373

VS.

J.A. POLK; SARAH FRANCES POLK; EARNEST
D. POLK; BETTY GAIL KAY; U.S. ALLIANCE
COOSA PINES CORPORATION; and CITIBANK, N.A.
DEFENDANTS

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

CIVIL ACTION NO. CV-98-373

TO:

That part of the North Half of the North Half of the SW 1/4 of the SW 1/4, Section 12, Township 22 South, Range 4 West, and containing 6 acres, more or less, off the North side of Plot No. 9 and Plot No. 10, upon a map prepared by I.S. Gillespie, Engineer, dated April 26th, 1946, and so identified and on file in the Office of the Boothton Coal Mining Company, Boothton, Alabama, mineral and mining rights excepted; and the right to haul through worked out openings any coal mined from other lands is reserved to the grantors, their successors and assigns; there is hereby reserved a right of way nine (9) feet in width along the North side of Plots 9 and 10 and also a right of way eighteen (18) feet in width along the North and South centerline of said Plots 9 and 10, as means of ingress and egress to and from said property and the other property shown on said map.

S 1/2 of NE 1/4 of the SW 1/4 of SW 1/4, Section 12, Township 22, Range 4 West, containing 5 acres, more or less.

Begin at the Southeast corner of the NW 1/4 of SW 1/4 of SW 1/4 of Section 12, Township 22, Range 4 West, and run thence West along the South line of said ten acre tract a distance of 94 feet; run thence North parallel with the East line of said ten acre tract, a distance of 330 feet, more or less, to the South line of the North Half of said ten acre tract; run thence East along the South line of the North Half of said ten acre tract, a distance of 94 feet to the Southeast corner of the North Half of said ten acre tract; run thence South along the East line of said ten acre tract, a distance of 330 feet, more or less, to the point of beginning.

The Southwest Quarter of Northwest Quarter of Southwest Quarter (SW 1/4 of NW 1/4 of SW 1/4) of Section 12, Township 22 South, Range 4 West, containing approximately ten (10) acres, said plot being designated as Plot No. 7 upon a map prepared by I.S. Gillespie, Engineer, dated April 26, 1946, and so identified and on file in the office of the Boothton Coal Mining Company, Boothton, Alabama, minerals and mining rights excepted; and the right to haul through worked out openings any coal mined from other lands is reserved to grantor, its successors and assigns. There is hereby reserved a right of way nine (9) feet in width along the South side of said plot and also along the East side of said plot, as a means of ingress and egress to and from said property and the other property shown on said map; and subject to the right of way for the Montevallo-Boothton public road as now situated on said plot.

Inst # 1998-17923

05/15/1998-17923
10:51 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 16.00

Mike

The North Half of the North Half of Southwest Quarter of Southwest Quarter (N 1/2 of N 1/2 of SW 1/4 of SW 1/4) of Section 12, Township 22 South, Range 4 West, containing ten (10) acres, said plot being designated as the North Half of Plot No. 9 and the North Half of Plot No. 10, upon a map prepared by I.S. Gillespie, Engineer, dated April 26, 1946, and so identified and on file in the office of the Boothton Coal Mining Company, Boothton, Alabama, minerals and mining rights excepted; and the right to haul through worked out openings any coal mined from other lands is reserved to the grantor, its successors and assigns.

There is hereby reserved a right of way nine (9) feet in width along the North side of said Plot 9 and 10 and also a right of way eighteen (18) feet in width along the North and South centerline of said Plot Nos. 9 and 10, as a means of ingress and egress to and from said property and the other property shown on said map.

LESS AND EXCEPT: A part of North Half of North Half of Southwest Quarter of Southwest Quarter of Section 12, Township 22 South, Range 4 West, and containing 6 acres, more or less, off the North side of Plot No. 9 and Plot No. 10, upon a map prepared by I.S. Gillespie, Engineer, dated April 26th, 1946, and so identified and on file in the Office of the Boothton Coal Mining Company, Boothton, Alabama. Minerals and mining rights excepted; and the right to haul through worked out openings any coal mined from other lands is reserved to the grantors, their successors and assigns. There is hereby reserved a right of way nine (9) feet in width along the North side of Plots 9 and 10 and also a right of way eighteen (18) feet in width along the North and South centerline of said Plots Nos. 9 and 10, as a means of ingress and egress to and from said property and the other property shown on said map.

LESS AND EXCEPT: A part of N 1/2 of N 1/2 of SW 1/4 of SW 1/4 of Section 12, Township 22 South, Range 4 West, described as follows: Begin at the NW corner of said SW 1/4 of SW 1/4 of Section 12; thence East along the North boundary of said SW 1/4 of SW 1/4 of Section 12, a distance of 90 feet to the Montevallo-Boothton Road; thence in a Southwest direction along Northwest boundary of said Road 288 feet; thence West perpendicular to West boundary of said SW 1/4 of SW 1/4 of Section 12, a distance of 85 feet; thence North along West boundary of said SW 1/4 of SW 1/4 of Section 12, a distance of 285 feet, more or less, to point of beginning. Minerals and mining rights excepted.

All property adversely possessed by Plaintiff herein lying North of deeded boundary of Plaintiff's property as described in Instrument #1997-38192, in the Probate Office of Shelby County, Alabama, and South of hedgerows and physical boundaries, which are the claimed boundaries of the Plaintiff herein between Plaintiff and Defendants J.A. POLK and SARAH FRANCES POLK.

Also, all property adversely possessed by Plaintiff herein lying East and South of hedgerow, treeline, and maintenance boundary of Plaintiff herein, and North and West of deeded boundary of Plaintiff's property as described in Instrument #1997-38192, in the Probate Office of Shelby County, Alabama, which are the claimed boundaries of the Plaintiff herein between Plaintiff and Defendants, J.A. POLK and SARAH FRANCES POLK.

Also, all property adversely possessed by Plaintiff herein lying East of prior boundary fence between Plaintiff herein and Defendants BETTY GAIL KAY and EARNEST D. POLK, and West of deeded boundary of Plaintiff's property as described in Instrument #1997-38192, in the Probate Office of Shelby County, Alabama.

All property adversely possessed by Plaintiff herein lying North of deeded boundary of Plaintiff's property as described in Instrument #1997-38192, in the Probate Office of Shelby County, Alabama, and South of hedgerows and physical boundaries, which are the claimed boundaries of the Plaintiff herein between Plaintiff and Defendants U.S. ALLIANCE COOSA PINES CORPORATION, and CITIBANK, N.A.

Take notice that Shelia D. Kish, on the 12th day of May, 1998, 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 Shelia D. Kish, and to establish boundary lines and to clear up all 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 deed recorded as Instrument #1997-38192, dated November 19, 1997, 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 forty years next preceding the filing of said complaint, to-wit: 30 November, 1957, 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 they and their predecessors in title have held color of title to said lands for a period exceeding the forty 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.

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, Jr.
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 14 day of May, 1998.

Dan Reeves, Jr.
Dan Reeves, Register

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05/15/1998-17923
10:51 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DD4 HCD 16.00