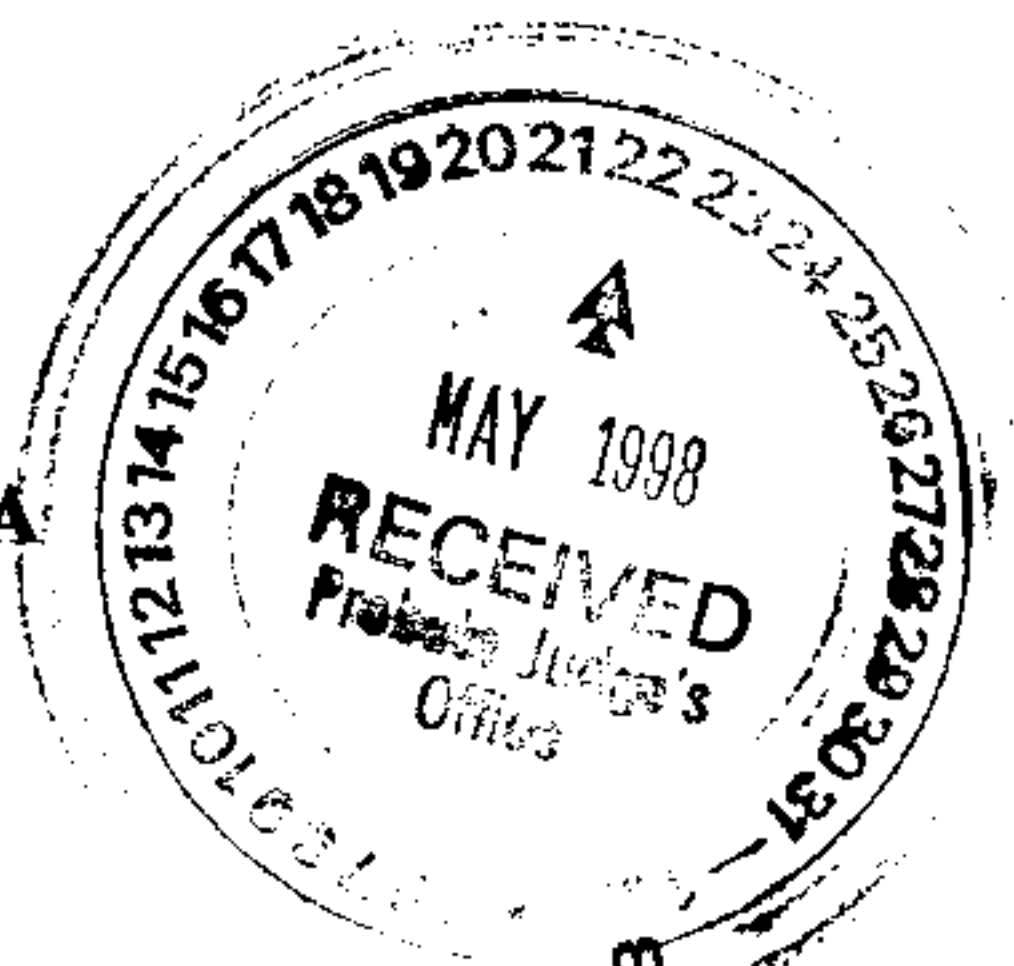


IN THE PROBATE COURT
SHELBY COUNTY, ALABAMA



STATE OF ALABAMA,

Plaintiff,

vs.

CASE NO. 34-094

Tract No. 6

PARTNERS IN PROGRESS, c/o Dr.
Frank Sutton; and A, B, C, D, E, F, G,
H, I, J, K, L, M, N, O, P, Q, R, S,
T, U, V, W, X, Y and Z, any and all
unknown claimants, whether devisees,
heirs, beneficiaries, or others,
with any interest in the property,
if any, whose names, ages,
addresses, and conditions are
unknown; and JACK WILLIAMS,
Tax Collector, Jefferson County,
Alabama; and Annette Skinner,
Tax Collector, Shelby County, Alabama;

Defendants.

Inst # 1998-19293

05/27/1998-19293
11:56 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 HCD 18.00

NOTICE OF LIS PENDENS

TO THE HONORABLE PATRICIA YEAGER FUHRMEISTER, JUDGE OF PROBATE
OF SHELBY COUNTY, ALABAMA:

NOW COMES the State of Alabama, as plaintiff in the above cause and files this
Notice of Lis Pendens to all persons concerned that on May 5, 1998, it filed an Amended
Complaint for Condemnation of certain real estate, that it claims an interest in or to said real
estate, and that an action is pending before the Circuit Court of Jefferson County, Alabama
(Bessemer Division) regarding same. Said real estate is situated in the counties of Jefferson
and Shelby, State of Alabama, and is more particularly described as follows:

Tract No. 6

And as shown on the right-of-way map on Project No. ST-659-12 of record in the Alabama Department of Transportation a copy of which is also deposited in the Offices of the Judge of Probate of Jefferson and Shelby County, Alabama as an aid to persons and entities interested therein and as shown on the Property Plat attached hereto and made a part hereof:

A part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, T-19-S, R-3-W, Jefferson County, Alabama and part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26, T-19-S, R-3-W, Shelby County, Alabama, identified as Tract No. 6 on Project No. ST-659-12 and being more fully described as follows: Commencing at the northeast corner of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence west along the north line of said NW $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 1,250 feet, more or less, to a point on a line which extends from a point that is 78.26 feet southeasterly of and at right angles to the centerline of said project at Station 490+83.85 to a point on the present northeast right of way line of Cahaba River Estates Road that is northeasterly of and at right angles to the traverse of said road at Station 21+30 and the point of beginning of the property herein to be conveyed; thence southerly a distance of 37 feet, more or less, to said point on the present northeast right of way line of Cahaba River Estates Road that is northeasterly of and at right angles to the traverse of said road at Station 21+30; thence northwesterly along said northeast right of way line a distance of 75 feet, more or less, to the present southeast right of way line of Alabama Highway No. 150; thence northeasterly along said southeast right of way line a distance of 1,480 feet, more or less, to a point that is 77.99 feet southeasterly of and at right angles to the centerline of said project at Station 505+08.64; thence southwesterly a distance of 500 feet, more or less, to a point that is 83.08 feet southeasterly of and at right angles to said centerline at Station 500+08.67; thence southwesterly a distance of 302 feet, more or less, to a point that is 78.14 feet southeasterly of and at right angles to said centerline at Station 497+08.82; thence southwesterly a distance of 625 feet, more or less, to a point that is 78.26 feet southeasterly of and at right angles to said centerline at Station 490+83.85; thence southerly a distance of 19 feet, more or less, to the point of beginning. Containing 0.83 acre, more or less.

The above-described parcel is located partially in Jefferson County and partially in Shelby County. Therefore, a Notice of Lis Pendens is also being filed in Jefferson County.

Names of Parties:

The names of all the parties to the action or proceeding or those persons having an interest in the real property are as follows:

1. The State of Alabama, plaintiff;
2. Partners in Progress, an Alabama partnership
c/o Dr. Frank Sutton, defendant;
3. Jack Williams, Tax Collector, Jefferson County, Alabama, defendant;
4. Annette Skinner, Tax Collector, Shelby County, Alabama,
defendant;
5. A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q,
R, S, T, U, V, W, X, Y and Z, any and all unknown
claimants, whether devisees, heirs, beneficiaries, or
others, with any interest in the property, if any, whose
names, ages, addresses, and conditions are unknown,
defendants.

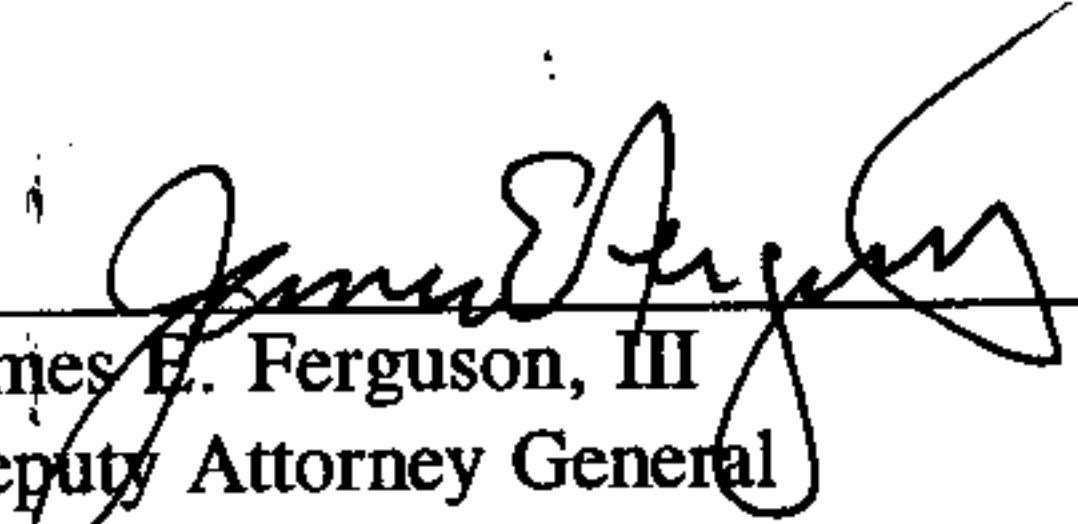
Nature of Action.

The nature of the claim sought to be enforced by the State of Alabama is that plaintiff is a sovereign state of the United States of America. This Court has jurisdiction under, and by virtue of, and plaintiff is authorized by, the Constitution and laws of the State of Alabama to institute and prosecute the proceeding for the purpose hereinafter stated, and specifically Article I, § 23 and Amendment No. 73 of the Alabama Constitution; §§ 18-1A-1 through 18-1A-311, § 23-1-20 and § 23-1-45, Code of Ala. (1975). Plaintiff seeks to

condemn the property set out and described above to obtain the fee simple title to said tract for the public purpose of the widening of the road known as Highway 150 and any projects necessary or convenient in conjunction therewith, including, without limitation, the addition of drainage systems, barriers, or the like, together with all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein sought to be acquired, including but not limiting the same to the free and full right of ingress and egress over and across said lands of the defendants to and from the said right-of-way and any easements.

Respectfully submitted,

STATE OF ALABAMA


James E. Ferguson, III
Deputy Attorney General
State of Alabama

OF COUNSEL:

James E. Ferguson, III, Deputy Attorney General, c/o
WALLACE, JORDAN, RATLIFF & BRANDT, L.L.C.
800 Shades Creek Parkway, Suite 400
Birmingham, Alabama 35209
(205) 870-0555

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