

IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT OF
SHELBY COUNTY

IN THE MATTER OF THE ESTATE OF:

FREDERICK TILDON SKELTON, III

CASE NUMBER: CV-99-1904



NOTICE OF LIS PENDENS

COMES NOW Plaintiff in the above-entitled action and hereby gives notice of pending litigation involving the following property, to-wit:

Lot 1, according to the Survey of Greystone South Haven - Sunrise Addition, as recorded in Map Book 16, Page 100 in the Probate Office of Shelby County, Alabama.

TOGETHER WITH the non-exclusive easement to use Hugh Daniel Drive, as more particularly described in the Greystone Retirement Care Declaration of Covenants, Conditions and Restrictions dated April 23, 1992 and recorded as Instrument No. 1992-09687 in the Probate Office of Shelby County, Alabama (the "Probate Office"), as amended by First Amendment thereto dated as of the date hereof and recorded contemporaneously herewith in the Probate Office of Shelby County, Alabama and all subsequent amendment thereto (which, together with all amendments thereto, is hereinafter collectively referred to as the "Declaration").

The above-described property is currently the subject of litigation pending in the Circuit Court of Jefferson County, Alabama in that certain Civil Action CV 99-1904. Said action being brought to enforce the Frederick Tildon Skelton, III's rights.

Parties to this Action:

Estate of Frederick Tildon Skelton, III.

Frederick Tildon Skelton

James M. Tingle, Esq., Hand Arendall, LLC, 2001 Park North, Suite 900, Birmingham, AL 35203

Roy F. King, Jr., Esq., King, Drummond & Dabbs, 100 Centerview Drive, Suite 180, Birmingham, AL 35216

Kenneth Riley, Esq., Farris & Hooker, 290 R. Arrington, Jr. Blvd North, Suite 200, Birmingham, AL 35203

Bryant A. Whitmire, Jr., Esq., Whitmire & Coleman, 215 R. Arrington Blvd N, Suite 510, Birmingham, AL 35203

F. Don Siegal, Esq., Leitman, Siegal & Payne, 600 North 20th Street, Suite 400, Birmingham, AL 35203

Colonial Bank, 1928 First Avenue North, Birmingham, AL 35203

Maxus Construction Company, 700 Southgate Drive Suite B, Pelham, AL 35124

Eyster Properties, 2900 Cahaba Road Suite 120, Birmingham, AL 35223

DONE THIS the 12th day of April, 2001

Frederick Tildon Skelton
04/19/2001 Frederick Tildon Skelton, Pro se
11:37 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 NEL 20.00

Inst # 2001-15171

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon all counsel and parties by U. S. First Class Mail, postage prepaid, as follows:

Dated this the 12th day of April 2001.


Frederick Tildon Skelton, III, Pro se

James M. Tingle, Esq
Hand Arendall, LLC
2001 Park North Suite 900
Birmingham, AL 35203

Roy F. King, Jr., Esq.
King, Drummond & Dabbs
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Colonial Bank
Mortgage Department
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Maxus Construction Company
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Pelham, AL 35124

Eyster Properties, Inc.
2900 Cahaba Road
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Leitman Siegal & Payne, P.C.
600 North 20th St. Suite 400
Birmingham, AL 35203

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF:) CASE NUMBER: CV 99-1904

FREDERICK TILDON SKELTON, III)
FILED IN OFFICE

APR 04 2001

MOTION TO STAY SALE OF PROPERTY ANNE-MARIE ADAMS

COMES NOW Frederick Tildon Skelton, III (hereinafter "Mr. Skelton"), by and through his attorneys and Guardian Ad Litem, and moves this Honorable Court to stay the sale of certain property identified in Exhibit "A" of this Motion. Mr. Skelton states as grounds to this Honorable Court in support of his motion to stay the sale of the subject property as follows:

1. For that the subject property is under contract to be sold for \$900,000.00;
2. For that the last certified commercial appraisal report performed on the subject property was performed on March 23, 1992;
3. For that Mr. Skelton has good and just reason to believe that the subject property has appreciated substantially since the March 23, 1992 appraisal which valued the property at \$900,000. (See attached Affidavit of Keith Fravert, attached as Exhibit "B");
4. For that the sale of the subject property for the proposed amount of \$900,000.00 could be substantially less than the actual value of the property;
5. For that Mr. Skelton will forever be prejudiced if the value of the subject property is substantially greater than the current sales proposal;
6. For that a certified commercial appraisal report has been ordered by Mr. Skelton to learn the true fair market value of the subject property;
7. For that the Certified Commercial Appraisal Report will be completed within

thirty (30) days of the day of ordering said appraisal;

8. For that the purchasers of the subject property will not be prejudiced in any way if this Honorable Court allows this matter to be stayed thirty (30) days pending the submission of a current certified commercial appraisal report.

Wherefore, Mr. Skelton hereby moves this Honorable Court to consider the above grounds in support of this Motion and prays this Honorable Court will stay the sale of the subject property for thirty (30) days so that Plaintiff will not suffer irreversible prejudice and harm as a result of an inequitable sale of his property.

Respectfully submitted,

Kenneth E. Riley
Kenneth E. Riley (201015)
FARRIS & HOOKER, L.L.P.
2025 3rd Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 324-1212

Roy Kling
Roy Kling
Kling, Drummond & Dabbs, P.C.
100 Centerview Drive
Suite 180
Birmingham, Alabama 35216

NO ORAL ARGUMENT REQUESTED

CERTIFICATE OF SERVICE

This is to certify that on the 4 day of Apr, 2001, a copy of the within and foregoing was served on all counsel of record, via United States Mail, postage paid and correctly addressed as follows:

James M. Tingle
Hand Arendall, L.L.C.
2001 Park North
Suite 900
Birmingham, Alabama 35203

Kurt R. L.
OF COUNSEL

AFFIDAVIT OF KEITH FRAVERT

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

COMES NOW the affiant Keith Fravert, and is over the age of nineteen and competent to testify regarding the following:

1. I am a state certified appraiser currently practicing in Jefferson County, Alabama I have been a state certified appraiser since 1988.

2. I currently own and operate Fravert Appraisal.

3. Based on my experience and expertise as a property appraiser, it is my opinion that property located in the Greystone area has substantially increased in value since 1992. This is my opinion and should not be construed as an appraisal of any property. It is my opinion that a certified appraisal report is needed to determine the true value of any parcel of property located in the Greystone area.

4. I have appraised numerous properties in the Greystone area since 1992. I am familiar with property value and market trends in the area.

FURTHER, affiant saith not.

Keith Fravert
Keith Fravert

Inst # 2001-15171

04/19/2001-15171
11:37 AM CERTIFIED
SHELBY COUNTY JUDGE ES. BOO