

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,
Petitioner,

vs.

ROGER DALE MOTES,

and,

RUBY L. MOTES,

Respondent(s).

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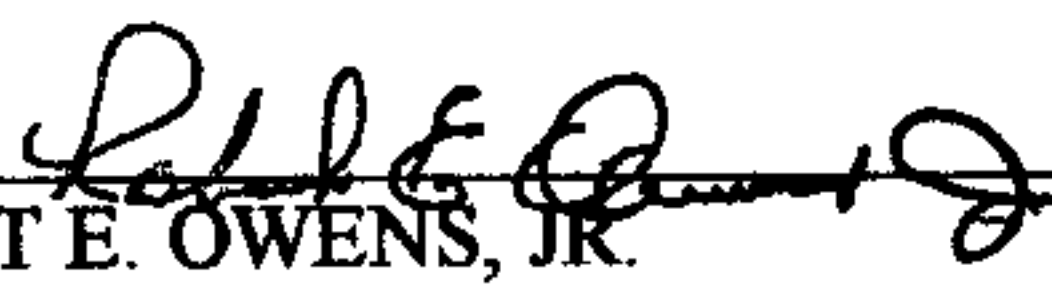
CASE NO: CV 01-972

LIS PENDENS

Notice is hereby given that an action in condemnation has been commenced in the above-entitled Court by the above-named Petitioner against the above-named Respondent to condemn the within described property pursuant to **Section 20-2-93, Code of Alabama, 1975.**

The property being acquired by the pending condemnation proceeding is located at 1517 Radburn Drive, Pelham, Shelby County, State of Alabama, and is legally described as follows: A Free Standing Single-Family Dwelling, to-wit: a Bennington Mobile Home, 1977 Model, 2 bedroom, 64x14 feet, bearing Serial No: 1610; located on real property described as, to-wit: Lot 65A of Deer Springs Estates 1st Addition, Map Book 5, Page 83, situated in the N W 1/4 Section 20, Township 20-s, Range 2W, Shelby County, Alabama.

Dated: September 13, 2001.



ROBERT E. OWENS, JR.
District Attorney
18th Judicial Circuit

Inst # 2001-39738

09/13/2001-39738
11:31 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MSR 17.00

STATE OF ALABAMA,
Petitioner,

vs.

A Free Standing Single-Family Dwelling,
to-wit: a Bennington Mobile Home
1977 Model, 2 bedroom, 64 x 14
Serial No: 1610 and real property described
as Lot 65A of Deer Springs Estates
1st Addition, Map Book 5, Page 83, situated
in the N W 1/4 Section 20, Township 20-s,
Range 2W, Shelby County, Alabama

IN POSSESSION OF:

Roger Dale Motes
1517 Radburn Drive
Pelham, Alabama 35124

and,

Ruby L. Motes
1517 Radburn Drive
Pelham, Alabama 35124

Respondent(s)

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
EIGHTEENTH JUDICIAL CIRCUIT

CASE NO: CV 2001-972



PETITION: REAL PROPERTY

TO ONE OF THE CIRCUIT COURT JUDGES OF THE EIGHTEENTH
JUDICIAL CIRCUIT OF ALABAMA


COMES NOW the State of Alabama, by William H. Bostick, Assistant District Attorney of the Eighteenth Judicial Circuit of Alabama, who prosecutes for the State in its behalf and shows to this Honorable Court the following state of facts, to-wit:

1. That on, to-wit: June 28, 2001, at to-wit: 1517 Radburn Drive, Pelham, Shelby County, Alabama, and in the jurisdiction of this Court, Officer(s) Davy Lott and Bobby Smith of the Pelham Police Department while in the discharge of their duties as such officer(s) did then and there seize a certain property, to-wit: (See attached Exhibit "A"), said property is now in the custody of the Pelham Police Department who holds said property subject to the orders and decrees of this Court.
2. Petitioner further avers that prior to the time of said seizure, to-wit: June 28, 2001, at to-wit: 1517 Radburn Drive, Pelham, Shelby County, Alabama, said property was being used by or within the immediate proximity of the aforesaid Respondent(s) Roger Dale Motes, who is believed to have had the intent to use said property to facilitate the violation of the controlled substance laws of the State of Alabama and/or is considered to be proceeds from the illegal sale of (a) controlled substance(s) contrary to and in violation of Section 20-2-93, Code of Alabama, 1975.

3. That the above seizure of property arose from an investigation of Roger Dale Motes and reported illegal drug activity from his residence at 1517 Radburn Drive, Pelham, Shelby County, Alabama. Further, that a number of controlled drug sales were conducted and recorded at the residence of Roger Dale Motes.
4. Petitioner further avers that said property was used or was intended to have been used to facilitate a violation of a Law of the State of Alabama concerning controlled substances in violation of and contrary to Section 20-2-93, Code of Alabama, 1975.
5. That by reason of such facts, as aforesaid, the said property is now contraband and forfeited to the claimant: the Pelham Police Department to be awarded to the same pursuant to its enforcement of the law.

Petitioner further avers that he knows of no other person making claim to said property, or any interest therein.

THE PREMISES CONSIDERED, Petitioner prays that this Court take jurisdiction of this cause and cause all necessary process to issue out of this Court to all person claiming any title or interest in and to said property, that upon a final hearing of this cause, Your Honor will determine and adjudicate the same; and that Your Honor adjudicate and decree that said property is contraband and forfeited to the claimant: Pelham Police Department for the use and benefit of the same in its enforcement of law, and further that any and all right, title, and interest of the respondent, Roger Dale Motes, in and to said property be divested, pursuant to the provisions of Section 20-2-93 of the Code of Alabama, 1975. And, if Petitioner has not asked for the proper relief, it now asks for such other, further, general and specific relief as the nature of the case requires, and as to Your Honor may seem meet, for which it will, as in duty bound, forever pray.


WILLIAM H. BOSTICK, Assistant District
Attorney, 18th Judicial Circuit

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