

STATE OF ALABAMA)
)
SHELBY COUNTY)

SHELBY COUNTY CV# 01-1224

Tract No.:

NOTICE OF LIS PENDENS

Take notice that H. Sherman Holland, Jr., plaintiff in the above referenced action has on this the 27th day of November, 2001, filed a Complaint in the Circuit Court of Shelby County, Alabama, Civil Action No 01-1224, for the purpose of acquiring title or an interest in all the lands and real estate as set forth and/or described more specifically on the attached Exhibit A, which is made a part of this notice by reference thereto. Take further notice that the complaint names and sets forth all those parties known to the plaintiff who claim an interest in said property and said parties are specifically set forth and named on the attached Exhibit B, which is made a part of this notice by reference thereto. The complaint was filed alleging, *inter alia*, fraud in the sale of said real property, and to protect the plaintiff's interest therein.


Mary-Ellen Bates
Bernard D. Nomberg
Attorney for H. Sherman Holland, Jr.

OF COUNSEL:

/ HARDIN, NOMBERG & BATES, LLP
The Highland Building
2201 Arlington Avenue
Birmingham, Alabama 35205
Telephone: (205) 930-6900
Facsimile: (205) 930-6910

11/27/2001-51032
10:38 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MEL 23.00

Inst # 2001-51032

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Mary-Ellen Bates, Esq., who is known to me, and who, being by me first duly sworn, deposes and says that she is counsel representing H. Sherman Holland, Jr., and that she had read the foregoing notice and the averments therein are true and correct.



Mary-Ellen Bates

Sworn to and subscribed before me on this the 27th day of November, 2001.



Carla M. Williams
NOTARY PUBLIC

My Commission Expires 1-29-2005

EXHIBIT A

The below described real property being a portion of the real property conveyed by instrument number 1993-39221, filed on or about December 8, 1993 in the Shelby County Probate Court, and more particularly described as follows:

Parcel 1:

Commence at the Northwest corner of the Southeast Quarter of the Northeast Quarter of Section 17, Township, Range 2 West, Shelby County, Alabama, and run North 88 degrees 46 minutes 22 seconds East along the North line of said Quarter-Quarter Section a distance of 394.56 feet to a steel rebar corner and the point of beginning of the property being described; thence runs South 00 degrees 13 minutes 38 seconds East a distance of 327.00 feet to a rebar corner; thence run North 87 degrees 40 minutes 45 seconds East a distance of 237.49 feet to a rebar corner; thence run South 02 degrees 40 minutes 21 seconds East a distance of 90.24 feet to a steel rebar corner; thence run North 87 degrees 04 minutes 00 seconds East a distance of 290.59 feet to a steel rebar corner; thence run North 00 degrees 19 minutes 34 seconds West a distance of 404.03 feet to a rebar corner on the same said North line of same said Quarter-Quarter Section; thence run South 88 degrees 46 minutes 22 seconds West along said line a distance of 530.84 feet to the point of beginning.

Together with existing 30-foot wide access easements as described in Deed Book 325, Page 477, in Probate Office of Shelby County, Alabama.

Parcel 2:

Beginning at the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 17, Township 21 South, Range 2 West, Shelby County, Alabama and run thence North 88 degrees 46 minutes 22 seconds East along the South line of said Quarter-Quarter a distance of 1,300.40 feet to the Southeast corner of said quarter-Quarter; thence run South 89 degrees 11 minutes 21 seconds East along the South line of the Northwest Quarter of the Northwest Quarter of Section 16, Township 21 South, Range 2 West, Shelby County, Alabama a distance of 195.58 feet to a rebar corner on the West margin of Camp Branch Road in a curve to the right having a radius of 295.00 feet; thence run Northwesterly along the arc of said curve an arc distance of 155.27 feet to the P.T. (tangency) of said curve; thence run North 02 degrees 42 minutes 12 seconds West along said margin of said Camp Branch Road a tangent distance of 325.75 feet to the P.C. of a curve to the right having a radius of 295.00 feet; thence run Northerly along the arc of said curve an arc distance of 44.98 feet to the P.T. of said curve; thence run North 06 degrees 01 minutes 59 seconds East along said margin of said Camp Branch Road a tangent distance of 188.57 feet to the P.C. of a curve to the right having a radius of 295.00 feet; thence run Northerly along the arc of said curve an arc distance of 30.89 feet to a rebar corner; thence run South 87 degrees 05 minutes 43 seconds West a distance of 1,491.58 feet to a rebar corner on the West line of the said Northeast Quarter of the Northeast Quarter of same said Section 17; thence run South 02 degrees 32 minutes 03 seconds East along said Quarter-Quarter line a distance of 684.64 feet to the point of beginning.

Parcel 3

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 17, Township 21, Range 2 West, Shelby county, Alabama, and run thence South 02 degrees 32 minutes 03 seconds East along the West line of said Quarter-Quarter Section a distance of 684.64 feet to a rebar corner; thence run North 87 degrees 05 minutes 43 seconds East a distance of 1,491.58 feet to a rebar corner on the West margin of Camp Branch Road in a curve to the right having a radius of 295.00 feet; thence run Northeasterly along the arc of said curve an arc distance of 33.35 feet to the P.T. of said curve; thence run North 18 degrees 30 minutes 32 seconds East a tangent distance of 192.50 feet to the P.C. of a curve to the right having a radius of 295.00 feet; thence run Northeasterly along the arc of said curve an arc distance of 68.86 feet to the P.T. of said curve; thence run North 31 degrees 52 minutes 56 seconds East along said margin of said Camp Branch Road a tangent distance of 266.45 feet to the P.C. of a curve to the left having a radius of 480.00 feet; thence run along the arc of said curve an arc distance of 68.62 feet to a rebar corner on the North line of the Northwest Quarter of the Northwest Quarter of Section 16; thence run North 89 degrees 38 minutes 11 seconds West along said Quarter-Quarter line a distance of 492.29 feet to a corner; thence run North 89 degrees 09 minutes 41 West along the North line of the Northeast Quarter of the Northeast Quarter of Section 17, a distance of 1308.77 feet to the point of beginning.

Exhibit A

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

H. SHERMAN HOLLAND, JR.,

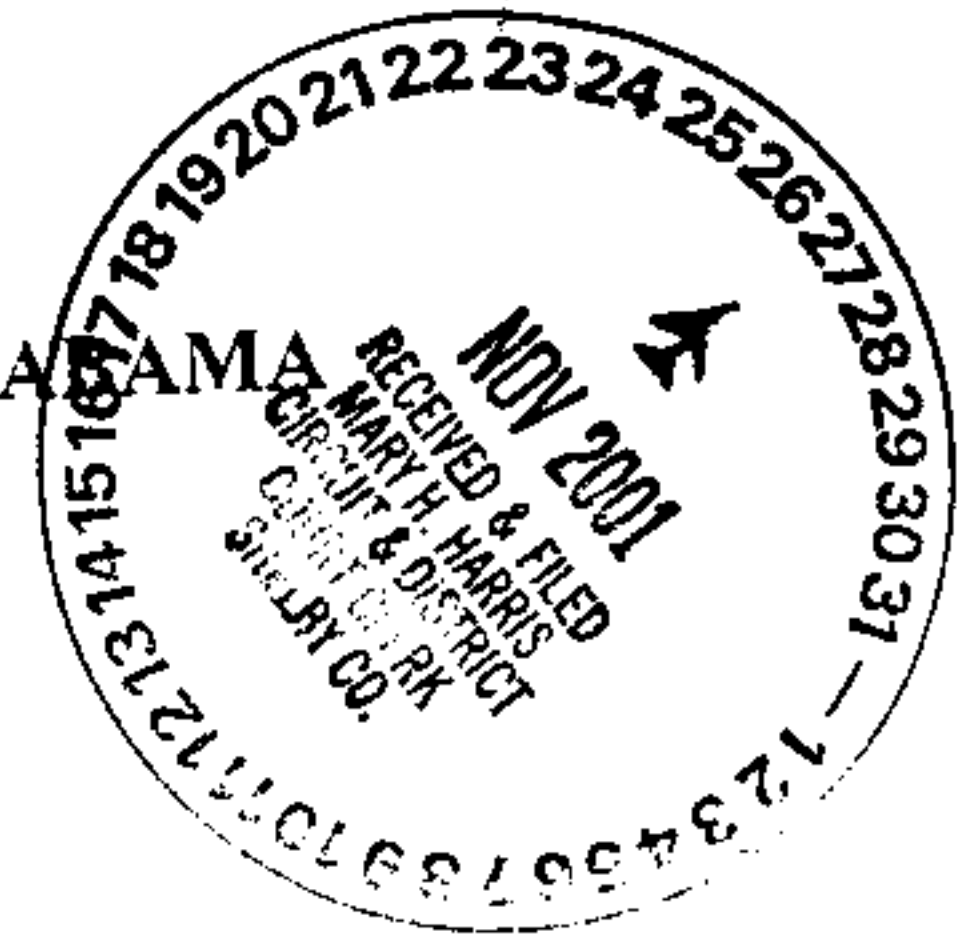
Plaintiff,

v.

BOB TUCKER & ASSOCIATES, INC.,
a Corporation, CONN & ALLEN, a
partnership, PAIGE H. SEIER, an
individual, LOUISE SEIER
POUNDSTONE, an individual, and
GEORGE F. SEIER, JR.,
an individual,

Defendants.

Civil Action Number:



Inst # 2001-51032

11/27/2002/22/11
10:38 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MEL

COMPLAINT

COMES NOW the plaintiff, by and through his undersigned counsel and states against the defendants, jointly and severally as follows:

THE PARTIES

1. Plaintiff, H. Sherman Holland, Jr., (hereinafter "plaintiff" or "Holland"), is an adult resident and citizen of the State of Alabama, and at all times material hereto was residing in Shelby County.
2. Defendant Bob Tucker & Associates, Inc., (hereinafter "Tucker"), upon information and belief, is a Georgia corporation doing business as in the states of Georgia and Alabama providing auctioneer services. For all respects material to the allegations of this complaint, Tucker was doing business in the State of Alabama and specifically in Shelby County.
3. Defendant Conn & Allen, (hereinafter "Conn"), upon information and belief, is an Alabama partnership, doing business in Shelby County as surveyors of real property.
4. Defendants Paige H. Seier, Louise Seier Poundstone and George F. Seier, Jr.,