

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

v.

OWEN SCOTT SMITHERMAN, Owner
of the Fee, MERCHANTS AND PLANTERS
BANK/AKA PEOPLES BANK & TRST
COMPANY (MORTGAGEE), and
ANNETTE D. SKINNER, SHELBY
COUNTY TAX COLLECTOR.
Defendants.

42-264

NOTICE OF LIS PENDENS

***TO THE HON. PATRICIA YEAGER FUHRMEISTER, JUDGE OF PROBATE OF
SHELBY COUNTY, ALABAMA:***

COMES NOW, the State of Alabama, by and through its Special Assistant Attorney General, and files herewith notice to all persons concerned that on the _____ day of _____, 2002, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby said State of Alabama seeks to obtain certain public rights-of-way and other rights, and said proceedings are now pending.

The name of the property owner(s) concerned together with the property sought to be condemned is set forth below:


<i>PROPERTY OWNER:</i>	<i>OWEN SMITHERMAN</i>
<i>MORTGAGEE:</i>	<i>MERCHANTS & PLANTERS/AKA PEOPLES BANK & TRUST COMPANY</i>
<i>TAX COLLECTOR:</i>	<i>ANNETTE D. SKINNER</i>

Property described on Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Description of above described property is taken from right of way map of Project BR-458(6) of record in the Alabama Department of Transportation, and in the Office of the Judge of Probate of Shelby County, Alabama.

The title of the action and the case number thereof are as hereinabove designated.

STATE OF ALABAMA


AYN TRAYLOR-SADBERRY
DEPUTY ATTORNEY GENERAL

**STATE OF ALABAMA)
JEFFERSON COUNTY)**

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

I hereby certify that the within Notice of Lis Pendens was filed in this office for record on the _____ day of _____, 2002, at _____ o'clock _____ m. And duly recorded as Instrument No. _____, and examined.

JUDGE OF PROBATE

Exhibit A

THIS INSTRUMENT PREPARED BY:

ALABAMA DEPARTMENT OF TRANSPORTATION
BIRMINGHAM, ALABAMA 35202

STATE OF ALABAMA)

COUNTY OF SHELBY)

TRACT NO. 4

FEE SIMPLE

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, for and in consideration of the sum of _____ dollars, cash in hand paid to the undersigned by the State of Alabama, the receipt of which is hereby acknowledged, we (I) the undersigned grantor(s), _____ have (has) this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto the State of Alabama the following described property, lying and being in Shelby County, Alabama and being more particularly described as follows:

AND AS SHOWN ON THE RIGHT-OF-WAY MAP OF PROJECT NO. BR-458(6) of record with the Alabama Department of Transportation, a copy of which is also deposited in the Office of the Judge of Probate of 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:

Part of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 28, T-22-S, R-3-W, identified as Tract No. 4 on Project No. BR-458(6) in Shelby County, Alabama and being more fully described as follows:

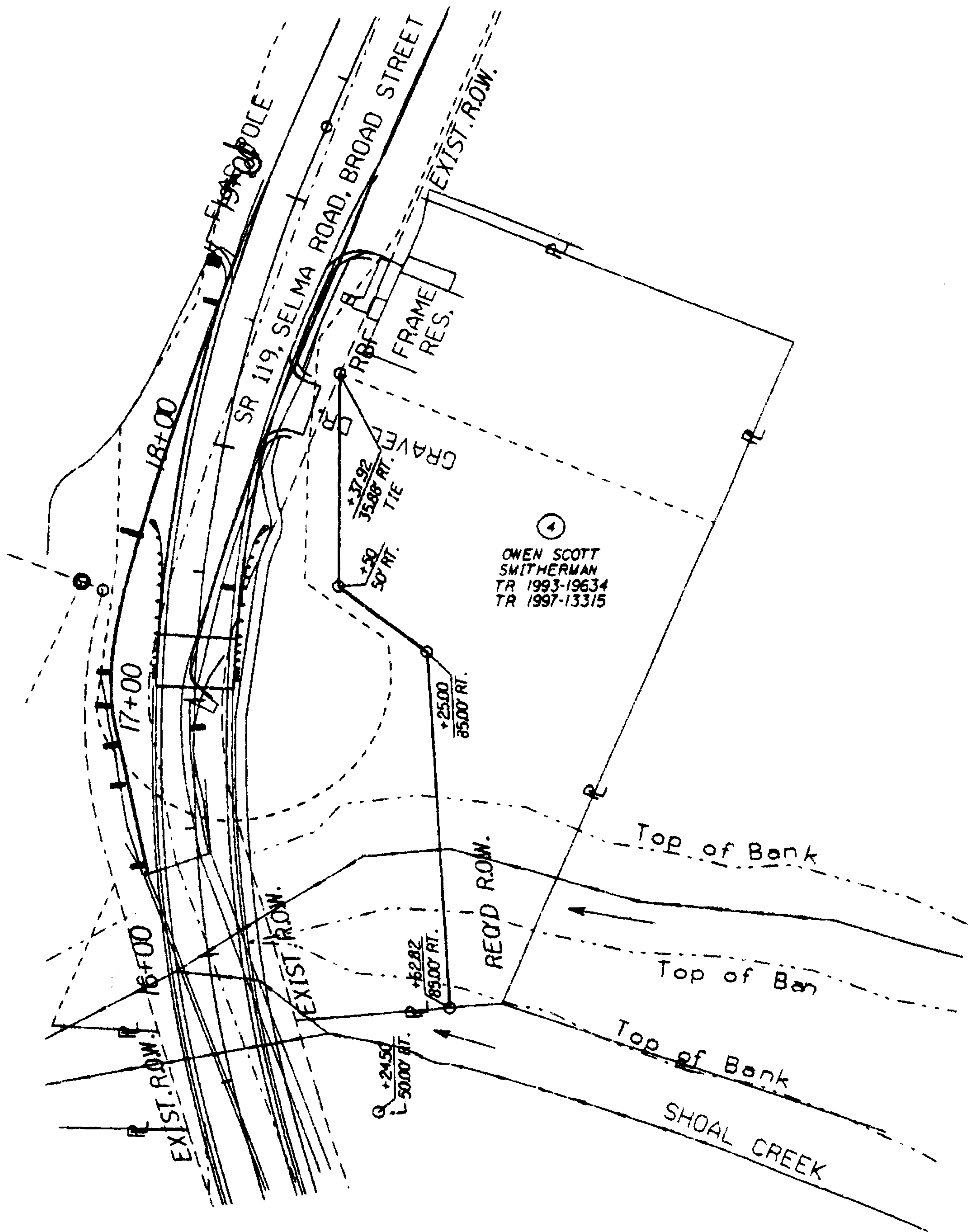
Commencing at the Northeast Corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence west along the north line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ a distance of 184.32 feet to the existing east right of way line of State Route 119; thence northerly along said right of way line a distance of 242.62 feet to the point of beginning of the property herein to be conveyed; thence northerly along said right of way line a distance of 264.34 feet to a point that is 35.88 feet easterly of and radial to the centerline of said project at Station 18+37.92; thence south a distance of 83.03 feet to a point that is 50 feet easterly of and radial to said centerline at Station 17+50; thence southeasterly, a distance of 41.49 feet to a point that is 85 feet easterly of and radial to said centerline at Station 17+25; thence south a distance of 139.73 feet to a point that is 85 feet easterly of and radial to said centerline at Station 15+62.82, the south property line; thence west along said south property line a distance of 57.45 feet to the point of beginning. Containing 0.2953 acre, more or less.

The Grantor's, the Successors and Assigns of said Grantors herein, hereby reserves the mineral rights to the property hereby conveyed to the State of Alabama, but it is understood and agreed by and between the Parties to this conveyance that the rights so reserved will in no way affect or interfere with any maintenance of public roads and highways on the property herein conveyed.

TO HAVE AND TO HOLD, unto the State of Alabama, it's successors and assigns in fee simple forever.

AND FOR THE CONSIDERATION AFORESTATED, we (I) do for ourselves (myself), for our (my) heirs, executors, administrators, successors and assigns covenant to and with the State of Alabama that we (I) are (am) lawfully seized and

Exhibit A

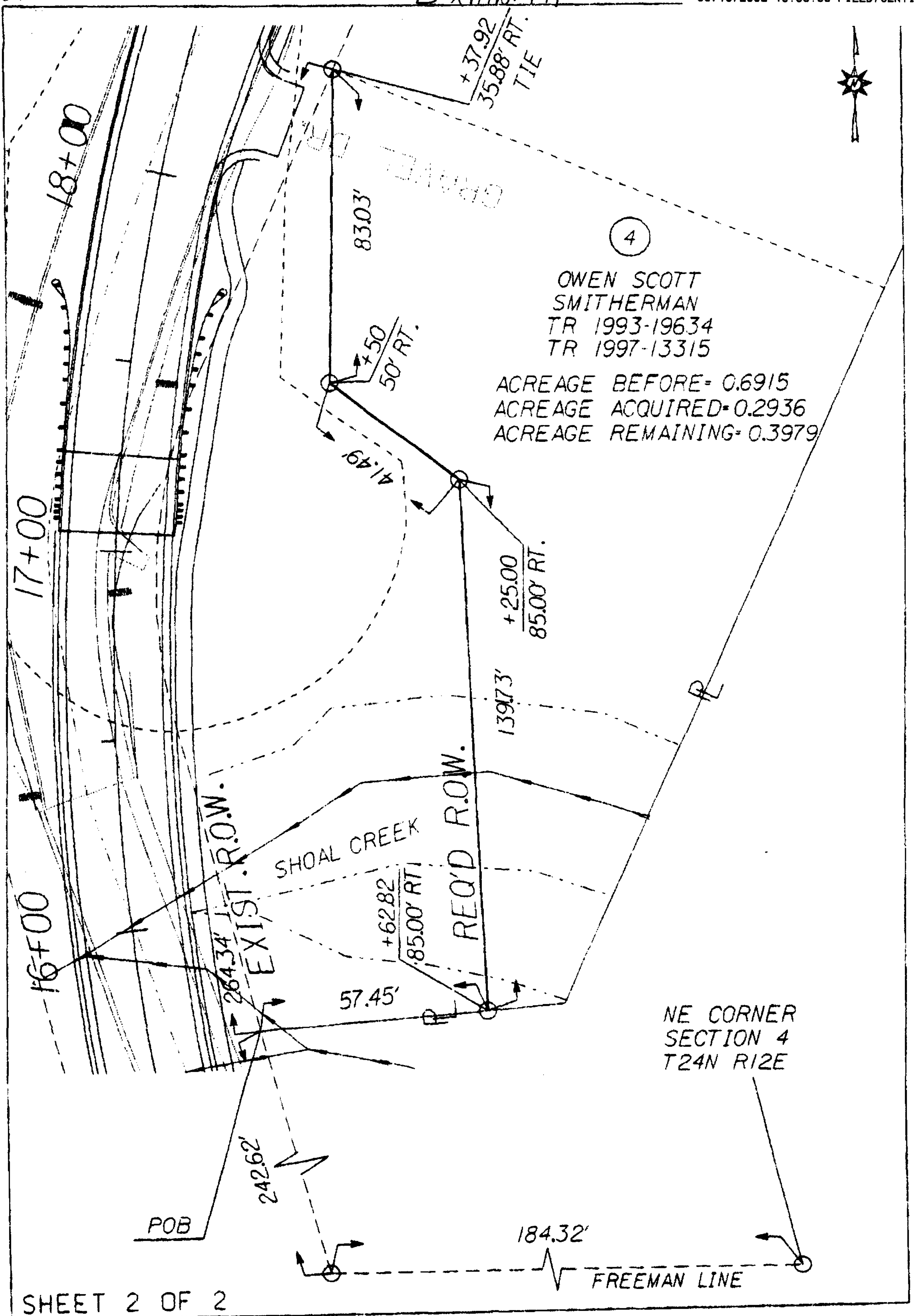


SHEET 1 OF 2

TRACT NUMBER	4	ALABAMA DEPT. OF TRANSPORTATION
OWNER:	OWEN SCOTT SMITHERMAN	PROJ. NO. BR-458(6)
		COUNTY: SHELBY
TOTAL ACREAGE:	0.9514	SCALE: 1" = 50'
R/W REQUIRED:	0.2953	DATE:
REMAINDER:	0.6561	REVISED:

Exhibit A

20020516000232900 Pg 5/5 24.00
Shelby Cnty Judge of Probate, AL
05/16/2002 13:33:00 FILED/CERTIFIED



SHEET 2 OF 2

TRACT NUMBER	4	ALABAMA DEPT. OF TRANSPORTATION
OWNER:	OWEN SCOTT SMITHERMAN	PROJ. NO. BR-458(6)
		COUNTY: SHELBY
TOTAL ACREAGE:	0.9514	SCALE: 1" = 30'
R/W REQUIRED:	0.2953	DATE:
REMAINDER:	0.6561	REVISED: