

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

v.

JEANNIE M. MAHAFFEY, owner
of the fee, STEVE D. PELHAM,
U.S. DEPARTMENT OF AGRICULTURE, STATE DIRECTOR RURAL
DEVELOPMENT AKA FmHA(MORTGAGEE/ASSIGNOR),
BANK OF AMERICA (MORTGAGEE/ASSIGNEE)
and ANNETTE D. SKINNER, SHELBY
COUNTY TAX COLLECTOR.
Defendants.

42-276

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 23 day of May, 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>JEANNIE M. MAHAFFEY</i> |
| <i>MORTGAGEE</i> | <i>BANK OF AMERICA</i> |
| <i>MORTGAGEE</i> | <i>RURAL DEVELOPMENT AKA FmHA-U.S.</i> |

DEPARTMENT OF AGRICULTURE

TAX COLLECTOR: ANNETTE D. SKINNER

MORTGAGEE: CENTRAL STATE BANK

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. 1

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 NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 4, T-24-N, R-12-E, identified as Tract No. 1 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 232.77 feet to the existing west right of way line of State Route 119; thence southerly along said existing west right of way line a distance of 84.84 feet to the north property line and the point of beginning of the property herein to be conveyed; thence continue southerly along said existing west right of way line a distance of 100.30 feet to a point that is 24.44 feet westerly of and at right angles to the centerline of said State Route 119 at Station 11+31.58 and the south property line; thence west along said south property line a distance of 15.58 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 11+33.53; thence northerly a distance of 100.13 feet to a point that is 40 feet westerly of and at right angles to said centerline at Station 12+33.66 and the north property line; thence east along said north property line a distance of 15.54 feet to said existing west right of way line and the point of beginning. Containing 0.0356 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

possessed in fee simple title for said tract or parcel of land hereinabove described; that we (I) have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, liens and claims, except the lien for ad valorem taxes which attached on October 1, last past, and which is to be paid by the grantor, and that we (I) will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THE GRANTOR(S) HEREIN FURTHER COVENANT(S) AND AGREE(S), that the purchase price above stated is full compensation to them (him-her) for this conveyance, and hereby release the State of Alabama and all of it's employees and officers from any and all damages to their (his-her) remaining property arising out of the location, construction, improvement, landscaping, maintenance or repair of any public road or highway that may be so located on the property herein conveyed.

IN WITNESS WHEREOF, we (I) have hereunto set our (my) hand(s) and seal(s) this the _____ day of _____, 20____.

L.S.

L.S.

