

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

ESTATE OF DICKEY BELCHER, Deceased,)
Plaintiff,)
VS.) CASE NO. CV-02-991
A. DALE GLASS,)
Defendant.)

NOTICE OF LIS PENDENS

Notice is hereby given that the Plaintiff in the above styled cause, The Estate of Dickey Belcher, Deceased, has commenced a civil action against Defendant, **A. Dale Glass**, same of which was filed with the Clerk of Courts for Shelby County, Alabama, on or about August 5, 2002, in which the Plaintiff claims that all right, title and interest in and to certain real estate situated in Shelby County, Alabama, is due to be restored to Plaintiff, pursuant to certain deeds recorded in **Real Property Book 244, Pages 1 and 2**, and **Instrument No. 2001-31585**, in the records of the Probate Judge, Shelby County, Alabama, which deeds were recorded on **August 9, 1966** and **July 30, 2001**, respectively.

The legal description of the real estate which is the subject of controversy is, as follows:

Commence at the NW corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, Township 22 South, Range 2 West, thence run South along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 428.23 feet, to the point of beginning, thence continue South along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section, a distance of 360.17 feet, thence turn an angle of 88 deg. 00' to the left and run a distance of 391.00 feet, to the West right of way line of the Spring Creek Highway, thence turn an angle of 113 deg. 51' to the left and run along said right of way line a distance of 197.40 feet, thence turn an angle of 6 deg. 14' to the right and run along said right of way line, a distance of 196.60 feet, thence turn an angle of 74 deg. 17' to the left and run a distance of 266.30 feet to the point of beginning. Situated in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, Township 22 South, Range 2 West, Shelby County, Alabama.

In the aforesaid civil action, the said Plaintiff alleges, among other things, as follows:

1. On March 14, 2002, the Probate Court of Shelby County, Alabama, issued Letters Testamentary in favor of Rosco "Bud" Belcher, as Personal

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Representative of said Decedent's estate, and the present action, as styled above, is being pursued by said Personal Representative, on behalf of Decedent's estate.

2. At the time of Decedent's death, she was in possession of the above described real estate, using same as her homestead property.
3. Said Decedent was vested with her right, title and interest in and to the above described real estate on June 21, 1966, pursuant to Warranty Deed, with Right of Survivorship, in conjunction with her husband, Rosco C. Belcher, Sr., who has predeceased her.
4. On or about July 25, 2001, said Decedent purportedly executed a Warranty Deed in favor of the Defendant herein, as referenced above, and said Defendant paid no consideration for said property, same of which is valued in excess of \$38,000.00.
5. The transfer and conveyance to Defendant was completed at a time when the Decedent lacked contractual capacity, and was implemented by Defendant's fraud, deceit, undue influence and coercion.
6. Plaintiff alleges that the Deed to Defendant, as recorded in the Office of the Probate Judge, Shelby County, Alabama, at Instrument No. 2001-31585, is due to be set aside, voided, nullified and held for naught.



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