

NOTICE OF PENDENCY OF COMPLAINT  
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. CV- 2003-1067

JOHN ALBERT DAUGHERTY and  
CHERYL ANN DAUGHERTY  
PLAINTIFF

vs.

CASE NO. CV 03-1067

CHARLES T. SMOOT; PETER CALHOUN, III;  
ELIZABETH THOMAS; MARY MACARY; JAMES LUCKS THOMAS;  
CLYDE EUGENE THOMAS; ROBERT THOMAS;  
WALTER DOUGLAS WHITE; FRANCINE L. WYNN;  
CHARLIE C. WINN; DAVID E. ROBINSON;  
WALTER R. ROBINSON; BOBBY ROBINSON;  
LACY ROBINSON; GRACY ROBINSON;  
LILLIAN ROBINSON; ATTIE ROBINSON; AUDRY ROBINSON;  
ELAINE ROBINSON; CLARENCE ROBINSON; KNOB ROBINSON;  
THE HEIRS AT LAW OF TOMMY LEE LEWIS, DECEASED;  
THE HEIRS AT LAW OF ANDERSON BROWN, DECEASED;  
THE HEIRS AT LAW OF LOLA BROWN, DECEASED;  
THE HEIRS AT LAW OF ROBERT BROWN, DECEASED;  
THE HEIRS AT LAW OF WILLIE BROWN, DECEASED;  
THE HEIRS AT LAW OF SOLOMON BROWN, DECEASED;  
THE HEIRS AT LAW OF ANDERSON BROWN, JR., DECEASED;  
THE HEIRS AT LAW OF CLARA BROWN LEWIS, DECEASED;  
THE HEIRS AT LAW OF MARY BROWN ROBERSON  
AKA MARY BROWN ROBINSON, DECEASED;  
THE HEIRS AT LAW OF ETHEL SMOOT, DECEASED;  
THE HEIRS AT LAW OF CHARLES EDWARD LEWIS, DECEASED;  
THE HEIRS AT LAW OF LOLA W. CALHOUN, DECEASED  
THE HEIRS AT LAW OF ROBERT LEWIS, DECEASED  
THE HEIRS AT LAW OF CLIFTON ROBINSON, DECEASED;  
THE HEIRS AT LAW OF ALMA ROBINSON, DECEASED;  
THE HEIRS AT LAW OF JOHN ROBINSON, DECEASED;  
THE HEIRS AT LAW OF MILTON ROBINSON, DECEASED;  
THE HEIRS AT LAW OF FRANCIS ROBINSON, DECEASED;  
THE HEIRS AT LAW OF ANNIE DUBOIS, DECEASED;  
THE HEIRS AT LAW OF MAMIE L. THOMAS, DECEASED;  
THE HEIRS AT LAW OF MARIE WHITE, DECEASED;  
THE HEIRS AT LAW OF WILLIAM E. ROBINSON, DECEASED;  
THE HEIRS AT LAW OF BATHALOMUE ROBINSON, DECEASED;  
THE HEIRS AT LAW OF WAYMON ROBINSON, DECEASED;  
THE HEIRS AT LAW OF HARMON ROBINSON, DECEASED;  
THE HEIRS AT LAW OF VIOLA WINN A/K/A VIOLA WYNN, DECEASED;  
THE HEIRS AT LAW OF WILLIAM WYNN, DECEASED;  
THE HEIRS AT LAW OF FRANCIS WYNN, DECEASED;  
THE HEIRS AT LAW OF PRINCE WINN A/K/A PRINCE WYNN, DECEASED;  
THE HEIRS AT LAW OF ELIZABETH ROBINSON, DECEASED;  
THE HEIRS AT LAW OF PENNY ROBINSON, DECEASED;  
AND ALL UNKNOWN PARTIES A, B & C,  
AND THE FOLLOWING DESCRIBED PROPERTY,  
TO-WIT:

PARCEL I:

All that portion of the North 1/2 of the Southwest Quarter of the  
Southeast Quarter, Section 4, Township 22 South, Range 2 West, lying South  
of the right of way of Shelby County Highway #84 and Southwest of the  
right of way of Interstate 65 and West of the Highway 31 right of way.  
Situated in Shelby County, Alabama.

and

PARCEL II:



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All that portion of the North 1/2 of the Southwest Quarter of the Southeast Quarter, Section 4, Township 22 South, Range 2 West, lying North of the right of way of Shelby County Highway #84 and Southwest of the right of way Interstate 65 and West of the Highway 31 right of way.

Take notice that John Albert Daugherty and Cheryl Ann Daugherty, on the 28<sup>th</sup> day of Aug., 2003, filed in the Circuit Court of Shelby County, Alabama, certified complaint, petitioning the Court for the Sale and Division of the above described property, and also pursuant to the Provisions of Title 6-6-560, Code of Alabama, (1975), as amended, et seq., against you and the above described land for the purpose of establishing title to said land in the said John Albert Daugherty and Cheryl Ann Daugherty, and to clear up all doubts and disputes concerning the same and that said suit is now pending in said court.

Plaintiff alleges in said complaint that title to said lands stand upon the records of the Judge of Probate, Shelby County, Alabama, in the name of the Plaintiff and that they own in their own right a fractional interest in absolute, fee simple title to and interest in said lands, and that they acquired said lands and an absolute fee simple title, thereto, under deed executed by Walter R. Robinson, a married man, to John Albert Daugherty and Cheryl Ann Daugherty, dated November 16, 2001, recorded as Instrument #2001-50130; and under deed executed by David E. Robinson, a widower, to John Albert Daugherty and Cheryl Ann Daugherty, dated February 1, 2002, recorded as Instrument #2002-05761; and under deed executed by Charles C. Winn, a married man, to John Albert Daugherty and Cheryl Ann Daugherty, dated February 25, 2002, recorded as Instrument #2002-15820; and under deed executed by Francine L. Wynn, a single woman, to John Albert Daugherty and Cheryl Ann Daugherty, dated February 18, 2002, recorded as Instrument #2002-15822; and under deed executed by Mary Sue Lewis, a widow, to John Albert Daugherty and Cheryl Ann Daugherty, dated April 11, 2003, recorded as Instrument #20030411000222890, all in the Probate Office of Shelby County, Alabama.

Plaintiff further alleges that they are in actual and peaceable possession of said lands and that they and their predecessors in title have been in such possession for more than ten years next preceding the filing of said complaint, to-wit: Aug. 28, '03, and that no other person has been in possession of said land or any part thereof during such ten year period.

Plaintiff further alleges in said complaint that they and their predecessors in title have held color of title to said lands for a period exceeding the ten years next preceding the filing of said complaint and no other person has held color of title to said land or any part thereof during said period.

Plaintiff further alleges that they and their predecessors in title have assessed said lands for taxes and have paid taxes thereon for and during the ten years next preceding the filing of said complaint and that no other person has assessed or paid any taxes on said lands during such ten year period.

Plaintiff further alleges that after a diligent search, they have been unable to ascertain the names, ages and whereabouts of all unknown parties A, B & C.

You and each of you are hereby directed to plead, answer to said verified complaint before the 23<sup>rd</sup> day of January, 2004, or suffer a default judgment to be rendered against you.

It is therefore, ordered by the undersigned Register that publication of this notice be made in the Shelby County Reporter, a newspaper published and having a general circulation in Shelby County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming any title to, interest in, or lien or encumbrance upon, the above described real estate, or any part thereof, or any interest therein, be and they are hereby required to plead, or answer to the complaint in this cause within the time required by law, and not later than the 23 day of January, 2004.

It is further ordered that a copy of this notice certified by the undersigned Register, as being correct, shall be recorded as a Lis Pendens in the Office of the Judge of Probate of Shelby County, Alabama.

Mary H. Harris  
Mary Harris, Register of the  
Circuit Court of Shelby  
County, Alabama.

STATE OF ALABAMA  
SHELBY COUNTY

I, the undersigned Mary Harris, Register of the Circuit Court of Shelby County, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the notice to be published to the Defendants in the above and foregoing suit.

WITNESS my hand and seal of office this 24 day of November, 2003.

Mary H. Harris  
Mary Harris, Register