

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CIVIL ACTION NO.: CV-04-258

CHELSEA ONE, L.L.C., an Alabama limited liability company,

Plaintiff,

v.

A PARCEL OF LAND situated in the NE ¼ of the NW ¼ of Section 17, Township 20 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the NE Corner of the NE ¼ of the NW ¼ of Section 17, Township 20 South, Range 1 West; thence S 87°47'41"W, a distance of 182.37' to the POINT OF BEGINNING; thence S87°47'21"W, a distance of 955.46'; thence S67°03'48"W, a distance of 25.25'; thence S53°12'35"W, a distance of 24.38'; thence N88°59'55"E, a distance of 458.00'; thence S89°10'38"E, a distance of 136.83'; thence N88°39'25"E, a distance of 163.28'; thence N89°43'30"E, a distance of 300.89' to the point of curve of a non tangent curve to the left, of which the radius point lies S39°58'37"W, a radial distance of 2,825.08'; thence northwesterly along the arc, through a central angle of 01°36'18", a distance of 79.14' to the POINT OF BEGINNING.

Containing 36,491 square feet or 0.8 acres, more or less.

And

STANLEY SMITH, an individual, DELPHIA SMITH, an individual, and "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M", being those persons and the heirs or devisees of those persons, if deceased, who, unknown to the plaintiff, claim or are reputed to claim, any title to or interest in, or lien or encumbrance on said lands or any part thereof, and all claimants, persons, associations, partnerships, limited liability companies, corporations, or other entities who, unknown to the plaintiff, claim or are reputed to claim an interest in or to the above described real property or any part thereof.

Defendants.

NOTICE OF LIS PENDENS

NOTICE IS HEREBY GIVEN that on the 27th day of February, 2004, CHELSEA ONE, L.L.C., a limited liability company, commenced a civil action against defendants STANLEY SMITH and DELPHIA SMITH and "A", "B", "C", "D", "E", "F", "G", "H",

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“I”, “J”, “K”, “L”, and “M” being those persons and the heirs or devisees of those persons, if deceased, who, unknown to the plaintiff, claim or are reputed to claim, any title to or interest in, or lien or encumbrance on said lands or any part thereof, and all claimants or persons, associations, partnerships, limited liability companies, corporations or other entities who, unknown to the plaintiff, claim or are reputed to claim an interest in or to the herein described real property or any part thereof in which plaintiff claims a right, title, interest, or claim in and to the following described property:

A parcel of land situated in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 20 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the NE Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 20 South, Range 1 West; thence S $87^{\circ}47'41''$ W, a distance of 182.37' to the POINT OF BEGINNING; thence S $87^{\circ}47'21''$ W, a distance of 955.46'; thence S $67^{\circ}03'48''$ W, a distance of 25.25'; thence S $53^{\circ}12'35''$ W, a distance of 24.38'; thence N $88^{\circ}59'55''$ E, a distance of 458.00'; thence S $89^{\circ}10'38''$ E, a distance of 136.83'; thence N $88^{\circ}39'25''$ E, a distance of 163.28'; thence N $89^{\circ}43'30''$ E, a distance of 300.89' to the point of curve of a non tangent curve to the left, of which the radius point lies S $39^{\circ}58'37''$ W, a radial distance of 2,825.08'; thence northwesterly along the arc, through a central angle of $01^{\circ}36'18''$, a distance of 79.14' to the POINT OF BEGINNING.

Containing 36,491 square feet or 0.8 acres, more or less.

In the aforesaid civil action, plaintiff alleges, among other things:

1. Plaintiff in its own right claims to own said land in an absolute and entire fee simple title thereto, free of all liens and encumbrances.
2. The plaintiff is in the actual and peaceful possession of said lands, and the

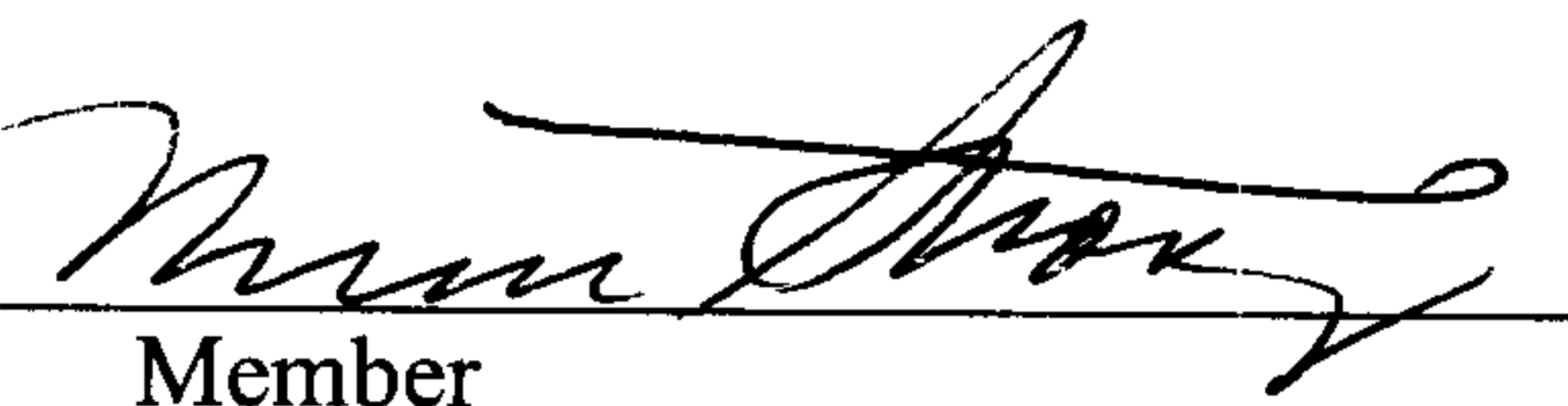
plaintiff and its predecessors in title have been in possession of said lands since before 1994.

3. The plaintiff and its predecessors in title have been in the actual and peaceable possession of said lands for a period exceeding ten (10) years next preceding the filing of this complaint, and no other person, association or corporation has been in possession of said land or any part thereof during said period.

4. The plaintiff and its predecessors in title have held color of title to said lands for a period exceeding the ten (10) years next preceding the filing of this complaint and no other person, firm or corporation has held color of title to said land or any part thereof during said period.

5. Plaintiff and its predecessors in title have assessed said lands for taxes and have paid taxes thereon for and during the ten (10) years next preceding the filing of this complaint, and no other person, association or corporation has assessed the said lands or any part thereof or interest therein for taxes or paid any taxes thereon during the ten (10) years next preceding the filing of this complaint.

CHELSEA ONE, L.L.C., an Alabama
limited liability company

By: 
Member


JAMES W. FUHRMEISTER (FUH0001)
Attorney for the plaintiff

OF COUNSEL:

**ALLISON, MAY, ALVIS, FUHRMEISTER,
KIMBROUGH & SHARP, L.L.C.**

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