

## **NOTICE OF LIS PENDENS**

**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

**SHELBY COUNTY, ALABAMA**, a  
political subdivision of the State of  
Alabama,

Plaintiff,

vs.

**CASE NO. PR 2004-**000347

**CLIFFORD B. BEARDEN; MICHAEL G.  
BEARDEN; SANDRA GALE MULKINS;  
SHELBY 52 PARTNERS, LLC**, an  
Alabama Limited Liability Company; **EGS  
PROPERTIES I, LLC**, an Alabama Limited  
Liability Company; **MARC A. EASON;  
MARK D. BYERS; JAMES JACKSON;  
EMRIS H. GRAHAM, JR.; JOSEPH E.  
SANDNER, III; E. THORNTON  
HYDINGER, JR.; ANDREW SINK; A, B,  
C, D, E, and F**, the owners of the real  
property described in the complaint herein,  
all of whose names are otherwise unknown,  
but whose true names will be added by  
amendment when ascertained,

Defendants.

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

Comes now Shelby County, Alabama, a political subdivision of the State of Alabama, by its attorney, and files herewith notice to all persons concerned that on the 24 day of June, 2004, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby said Shelby County, Alabama, a political subdivision of the State of Alabama, seeks to obtain certain fee simple ownership to real property and public rights of way and other rights, and said proceedings are now pending.

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

*Kim Melton*

Property Owner(s): Clifford B. Bearden; Michael G. Bearden; Sandra Gale Mulkins;  
Shelby 52 Partners, LLC, an Alabama Limited Liability Company.

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

Description of above property is taken from right of way map of said project on file in the  
office of Shelby County Highway Department in Columbiana, Alabama, and in the Office of the  
Probate Judge of Shelby County, Alabama.

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

SHELBY COUNTY, ALABAMA,  
a political subdivision of the State of Alabama

By \_\_\_\_\_

Attorney for said Plaintiff

STATE OF ALABAMA  
SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

I hereby certify that the within Lis Pendens was filed in this office for record on the  
\_\_\_\_\_ day of June, 2004, at \_\_\_\_\_ o'clock \_\_\_\_\_.m. and duly recorded as  
Instrument No. 2004-\_\_\_\_\_, and examined.

\_\_\_\_\_  
Judge of Probate



# Exhibit "A"

## **Parcel One - Fee Simple Acquisition:**

A part of the NW¼ of SW¼, Section 19, Township 20 South, Range 2 West identified as Tract No. 10 on Project No. STPBH-7280(600), Shelby County, Alabama and being more fully described as follows;

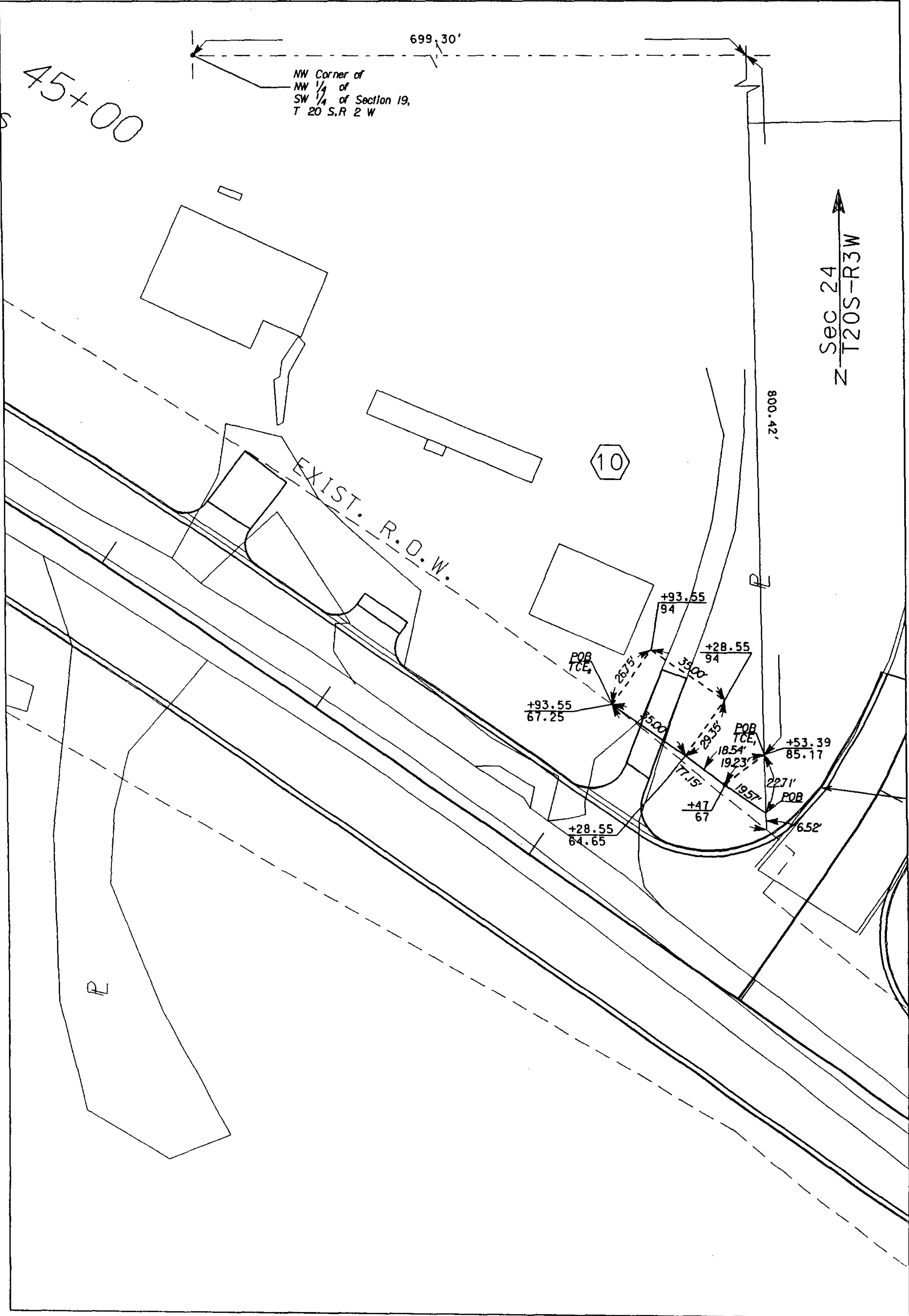
Commencing at the northwest corner of said NW¼ of SW¼; thence easterly along the north line of said NW¼ of SW¼ a distance of 699.30 feet to the point of intersection with the Grantor's eastern property line; thence south along said property line for a distance of 800.42 feet to a point 66.76 left of the CR 52 centerline of Project No. STPBH-7280(600) station 48+66.67 being the point of beginning of the property herein to be conveyed; thence south along the Grantor's eastern property line for a distance of 6.53 feet to the point of intersection with the present northern right-of-way line of CR 52; thence N50°49'20"W along said present right-of-way line for a distance of 77.15 feet to a point 67.25 feet left of said centerline station 47+93.25; thence S54°53'29"E for a distance of 73.11 feet to the point of beginning. Containing 0.01 acre, more or less.

## **Parcel Two - Temporary Construction Easement:**

TEMP. CONSTRUCTION EASEMENT NO.1: A temporary easement, necessary for construction, more fully described as follows: Beginning at a point 85.17 feet left of the CR 52 centerline of Project No. STPBH-7280(600) station 48+53.39; thence along the Grantor's eastern property line for a distance of 22.71 feet to the point of intersection with the required right-of-way line; thence N53°29'18"W along the required right-of-way line for a distance of 19.57 feet to a point 67 feet left of said centerline station 48+47.00; thence N53°55'25"E for a distance of 19.23 feet to the point of beginning. Containing 0.01 acre, more or less.

TEMP. CONSTRUCTION EASEMENT NO.2: Beginning at a point 67.25 feet left of the CR 52 centerline of Project No. STPBH-7280(600) station 47+93.55; thence N34°50'40"E for a distance of 26.75 feet to a point 94.00 feet left of said centerline station 47+93.55; thence S55°09'20"E for a distance of 35.00 feet to a point 94.00 feet left of said centerline station 48+28.55; thence S34°50'40"W for a distance of 29.35 feet to the point of intersection with the required right-of-way line; thence N54°53'29"W for a distance of 35.00 feet to the point of beginning. Containing 0.02 acre, more or less.

Upon completion of said project, all right, title and interest to said temporary easements shall cease and the grantee hereby relinquishes same.



TRACT NUMBER 10	ALABAMA DEPT. OF TRANSPORTATION
OWNER: SANDRA GALE	PROJ. NO. STPBH-7280( 600)
MULKINS, MICHAEL G. BEARDEN,	COUNTY: SHELBY
& CLIFFORD B. BEARDEN	SCALE: 1" = 50'
TOTAL ACREAGE: 23.90	DATE: 2-4-03
R/W REQ'D: 0.01	REVISED: 10-02-03
REMAINDER: 23.89	
TEMP. CONST. ESMT: 0.03	