

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 2004-000348

ROBERT L. KIRKLAND; JANET A. KIRKLAND; MARINE MIDLAND BANK; MCCULLOUGH SNAPPY SERVICE OIL COMPANY, a Delaware corporation; **U. S. SMALL BUSINESS ADMINISTRATION**; 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 24th 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:

Property Owner(s): Robert L. Kirkland; Janet A. Kirkland; Marine Midland Bank; McCullough Snappy Service Oil Company, a Delaware Corporation; U. S. Small Business Administration

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

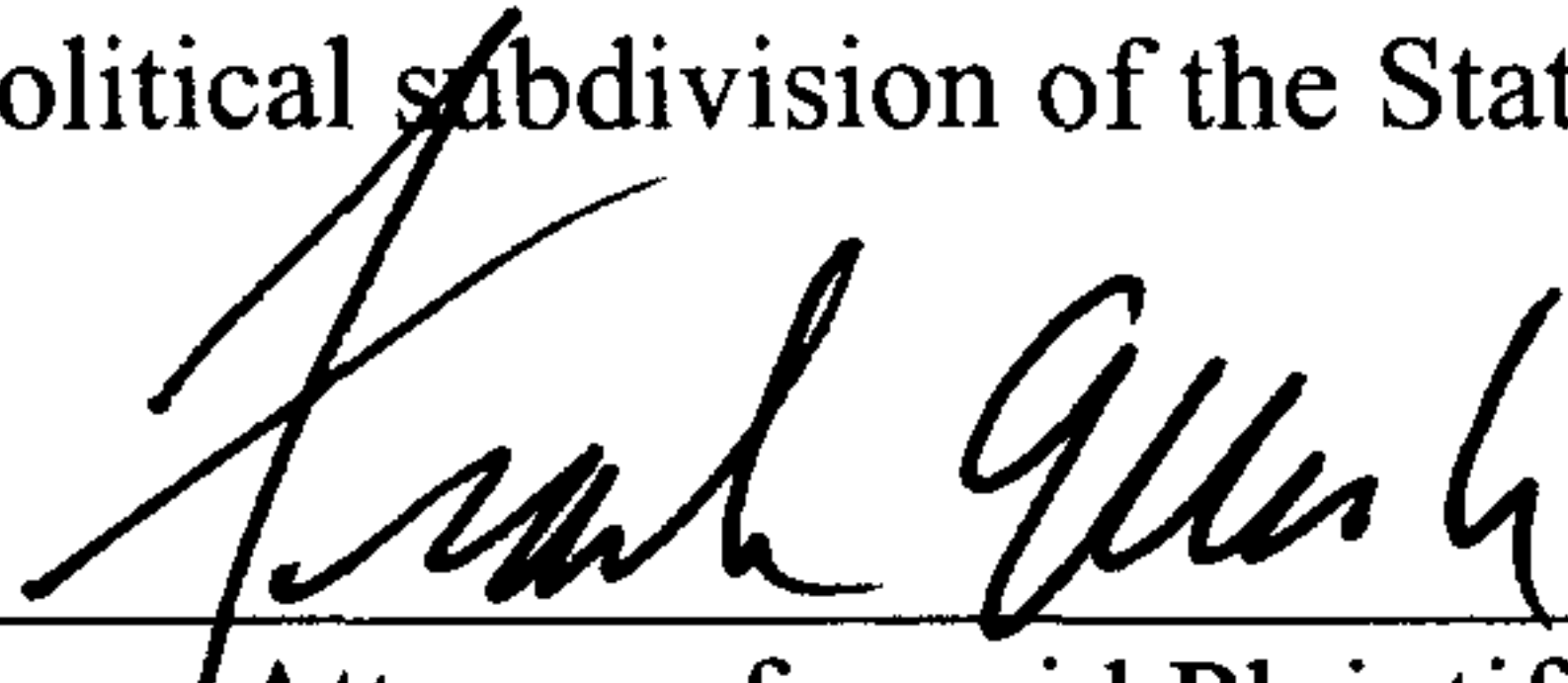
R. L. McCullough

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

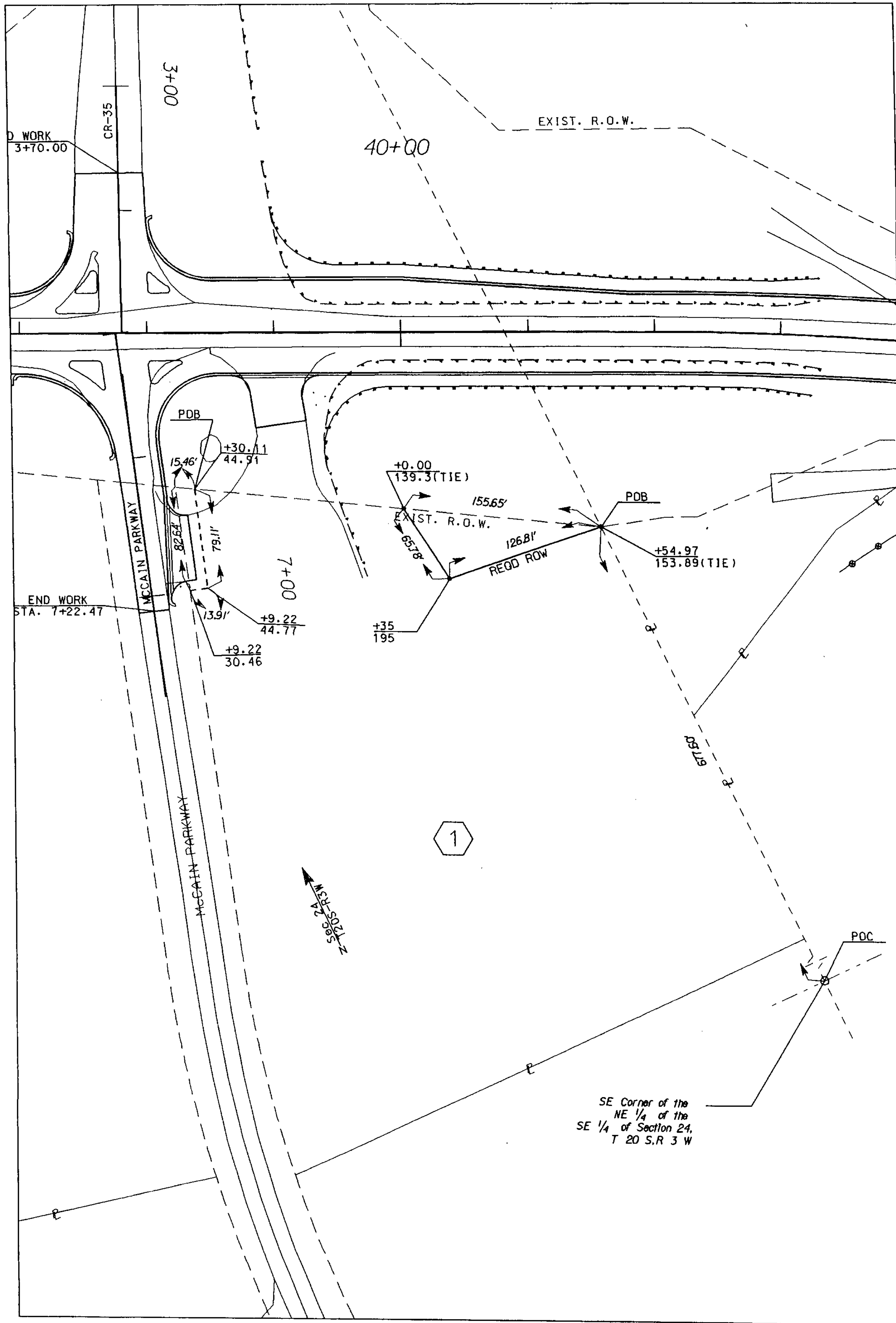
A part of the NE¼ of SE¼, Section 24, Township 20 South, Range 3 West identified as Tract No. 1 on Project No. STPBH-7132(003), Shelby County, Alabama and being more fully described as follows;

Commencing at the southeast corner of said NE¼ of SE¼; thence northerly along the Grantor's eastern property line for a distance of 677.60 feet to a point of intersection with the present southern right-of-way line of CR 52; thence N83°33'15"W along the Required Right-of-Way Line of Project No. STPBH-7132(003) for a distance of 126.81 feet to a point 195 feet southerly of and at right angle to the CR 52 centerline of Project No. STPBH-7132(003) station 40+35; thence N6°47'04"W along the required right-of-way line for a distance of 65.78 feet to a point on the present right-of-way line of CR 52; thence S59°15'36"E along the said present right-of-way line for a distance of 155.69 feet to the point of beginning. Containing 0.09 acre, more or less.

Parcel Two: Temporary Construction Easement

ALSO: A temporary easement, necessary for construction, and being more fully described as follows: Beginning at a point on the present right-of-way line 44.91 feet easterly of and at right angle to the McCain Parkway centerline of Project No. STPBH-7132(003) station 6+30.11; thence S18°54'2"W along the required temporary construction easement line for a distance of 79.11 feet to a point 44.77 feet easterly of and at right angle to said McCain Parkway centerline station 7+09.22; thence N71°29'19"W along the required temporary construction easement line for a distance of 13.91 to a point on the McCain Parkway present right-of-way line 30.46 feet easterly of and at right angle to said centerline station 7+09.22; thence N18°5'35"E along the present right-of-way line for a distance of 82.64 feet to a point at the intersection of the McCain Parkway present right-of-way line and the southern present right-of-way line of CR 52; thence S59°15'36"E along the present right-of-way line of CR 52 for a distance of 15.46 feet to the point of beginning. Containing 0.03 acre, more or less.

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



TRACT NUMBER 1
OWNER: ROBERT L. &
JANICE A. KIRKLAND
TOTAL ACREAGE: 4.03
R/W REQUIRED: 0.09
REMAINDER: 3.92
TEMP. CONST. ESMT: 0.03

ALABAMA DEPT. OF TRANSPORTATION
PROJ. NO. STPBH-7132(003)
COUNTY: SHELBY
SCALE: 1" = 100'
DATE: 2-4-03
REVISED: