

NOTICE OF LIS PENDENS

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

CITY OF HELENA, ALABAMA, a municipal corporation and municipal political subdivision of the State of Alabama; **THE UTILITIES BOARD OF THE CITY OF HELENA, ALABAMA**, a public corporation,

Plaintiffs,

vs.

CASE NO. PR-2004-000370

EVELYN POWELL; PATRICIA ANN POWELL; TERRY OWEN POWELL; JOSEPH S. POWELL, JR.; A, B, C, D, E, F, and G, 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 City of Helena, Alabama, a municipal corporation and municipal political subdivision of the State of Alabama, and The Utilities Board of the City of Helena, Alabama, a public corporation, by its attorney, and file herewith notice to all persons concerned that on the 8 day of July, 2004, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby said City of Helena, Alabama, a municipal corporation and municipal political subdivision of the State of Alabama, and The Utilities Board of the City of Helena, a public corporation, seek to obtain fee simple title to certain real property 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): Evelyn Powell; Patricia Ann Powell; Terry Owen Powell; Joseph S. Powell, Jr.

Property described as follows: An easement for the right to own, install, operate and maintain a sanitary sewer, said easement being 20 feet wide, 10 each side of the centerline of the pipe as constructed:

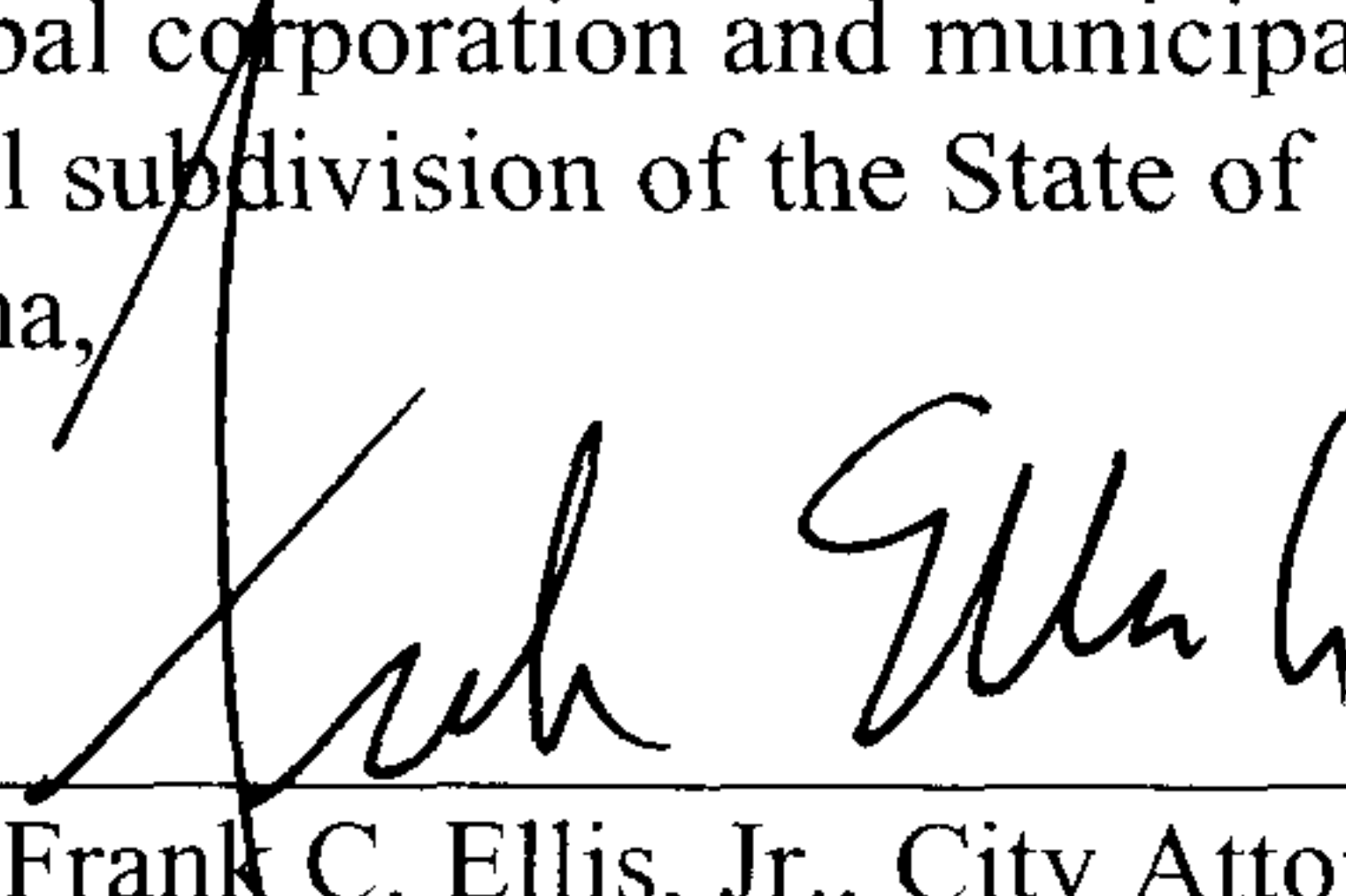
Commence at the northwest corner of Lot 1-C, Block 13, Joseph Squire's Map of Helena as recorded in Map Book 3, Page 121 as recorded in the Office of the Probate Judge of Shelby County, Alabama, said point also being the point of intersection of the Southerly right-of-way of the CSX Railroad and the West line of the Northwest Quarter of Section 15, Township 20 South, Range 3 West and run in a Southerly direction along the West line of said lot and the West line of said Quarter Section a distance of 221.5 feet, more or less to the POINT OF BEGINNING of the herein described easement centerline being 20 feet wide, 10 each side of said centerline ; thence deflect 95° 45' 30" to the left and run in a Northeasterly direction a distance of 226.85 feet to a point; thence deflect 19° 43' 15" to the left and run in a Northeasterly direction a distance of 119.66 feet, more or less to the ENDING POINT of said easement, a point on the East line of Lot 1, containing 0.16 acres, more or less.

Description of above property is taken from sanitary sewer easement prepared by Paragon Engineering, Inc. on file in the City Hall of the City of Helena, 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.

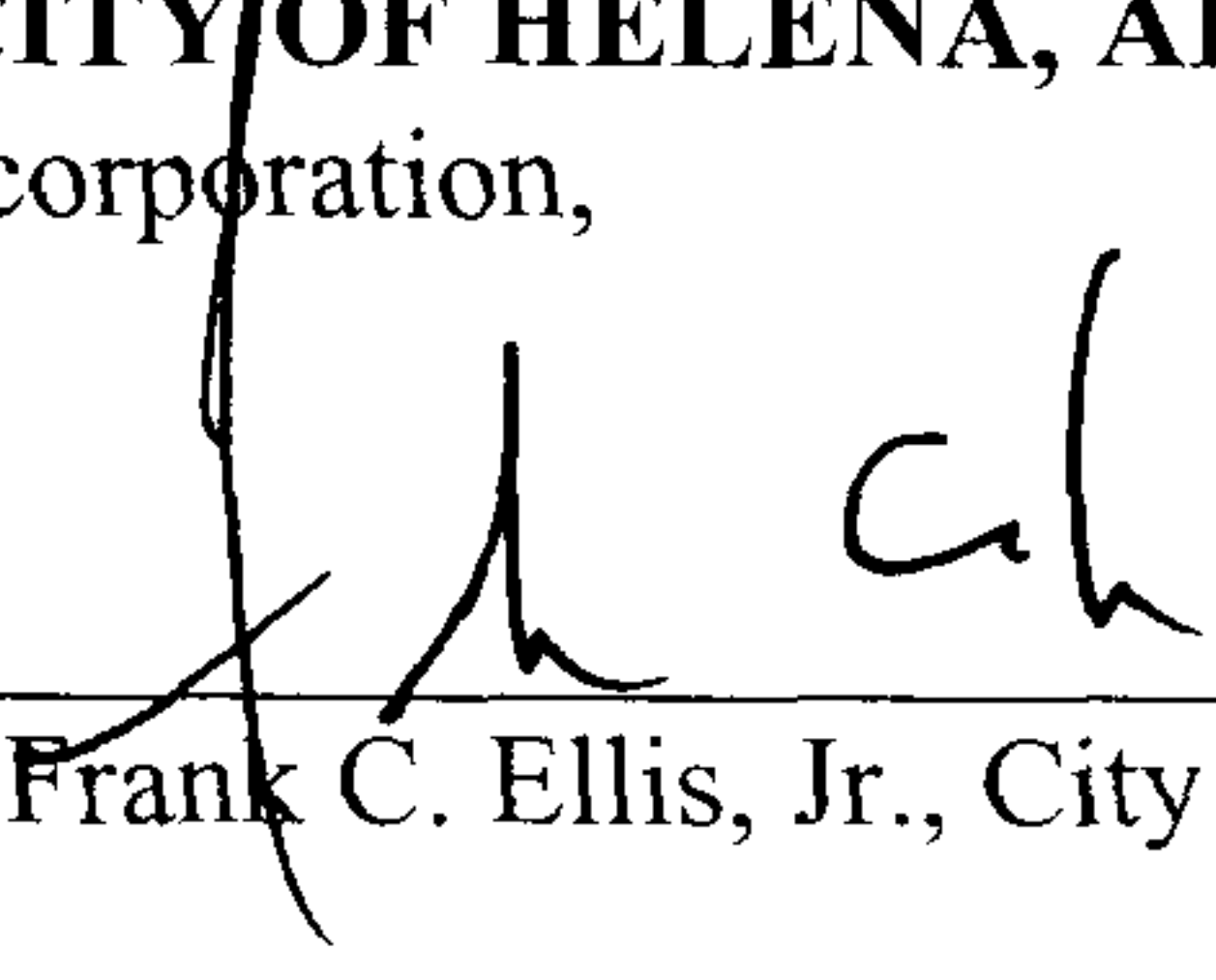
CITY OF HELENA, ALABAMA, a
municipal corporation and municipal
political subdivision of the State of
Alabama,

By


Frank C. Ellis, Jr., City Attorney

**THE UTILITIES BOARD OF
THE CITY OF HELENA, ALABAMA**, a
public corporation,

By


Frank C. Ellis, Jr., City Attorney

**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 _____, 2004, at _____ o'clock _____.m. and duly recorded as
Instrument No. _____, and examined.

Judge of Probate