

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

IN RE: )  
THE ESTATE OF )  
LOIS ETRESS CARDEN, )  
Deceased. )  
LOU E. FRAZIER, As Personal )  
Representative of the Estate of Lois )  
Etress Carden, deceased; LOU E. )  
FRAZIER, Individually; LAVADA )  
ELLISON; and ANN HORTON, )  
Plaintiffs, )  
VS. )  
ROBERT LESTER ETRESS, WENDY )  
JOHNSON, ROBBIE WILLIS and )  
FAYE HAWKINS, )  
Defendants. )

CASE NO: CV-2005- 189

NOTICE OF LIS PENDENS


Notice is hereby given that the Plaintiffs in the above styled cause, have commenced a civil action against Defendants, **Robert Lester Etress, et al**, same of which was filed with the Clerk of Courts for Shelby County, Alabama, on or about February 23<sup>rd</sup>, 2005, in which the Plaintiffs claim that all right, title and interest in and to certain real estate situated in Shelby County, Alabama, is due to be restored to the Estate of Lois Etress Carden, deceased, due to deficiencies in Deed recorded at **Instrument No. 2003-0404000201430**, in the records of the Probate Judge, Shelby County, Alabama, which deed was recorded on **April 4, 2003**.

The legal description of the real estate which is the subject of controversy is, as follows:

**The SW ¼ of NW ¼ and W ½ of W ½ of SE ¼ of NW ¼ of Section 14, Township 24 North, Range 15 East.**

In the aforesaid civil action, the said Plaintiffs allege, among other things, as follows:

1. On February 4, 2005, the Probate Court of Shelby County, Alabama, issued Letters of Administration in favor of Lou E. Frazier, as Personal Representative of said Decedent's estate, and the present action, as styled above, is being pursued by said Personal Representative on behalf of Decedent's estate, in conjunction with other Plaintiffs.
2. At the time of Decedent's death, she was in possession of the above described real estate, using same as her homestead property.
3. On or about April 3, 2003, said Decedent purportedly executed a Warranty Deed in favor of Robert Lester Etress, and said Defendant paid no consideration for said property, same of which is valued in excess of \$140,000.00.
4. The purported transfer and conveyance to said Defendant was completed at a time when the Decedent lacked contractual capacity, and was implemented by said Defendant's forgery and undue influence.
5. Plaintiff alleges that said Deed to said Defendant is due to be set aside, cancelled, voided, nullified and held for naught.

  
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