20050405000156170 1/6 $28.00
Shelby Cnty Judge of Probate, AL
04/05/2005 09:58:14AM FILED/CERT

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

STATE OF ALABAMA	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**CASE NO.:** PR-2005-000188
	)	
LEIGH ARTHUR, LEIGH ARTHUR MADDOX, VIRGINIA MADDOX, ANNETTE SKINNER, SHELBYCOUNTY REVENUE COMMISSIONER,	)	
	)	
Defendants.	)	

LIS PENDENS

Notice is hereby given that the State of Alabama, as Plaintiff, has duly filed and entered on this 1 day of April, 2005, in the Probate Court of Shelby County, Alabama a complaint against the hereinafter stated Defendants, to acquire lands in fee simple for use in connection with the construction and maintenance of a public road, the hereinafter described real property situated in Shelby County, Alabama, as shown and designated on the right of way map of Project Right of Way Map # BR-0070(500) the same being on file in the Office of the Judge of Probate of Shelby County, Alabama.

That the legal description of the following tract of land is attached hereto and incorporated herein as fully as if set out at length in the following exhibits.

Tract #	Exhibit A	Exhibit A-1
5	Legal	Map

That as to the tract of land, the following named Defendants have or claim to have some interest, the nature of said Defendant's interest, if known being as hereinafter set forth:

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Tract #	Defendant	Nature of interest
5	Leigh Arthur 1459 Montgomery Highway Birmingham, AL 35216	Fee Simple
	Leigh Arthur Maddox 1459 Montgomery Highway Birmingham, AL 35216	Fee Simple
	Virginia Maddox 1459 Montgomery Highway Birmingham, AL 35216	Fee Simple
	Annette Skinner, Shelby County Revenue Commissioner P.O. Box 1298 Columbiana, AL 35052-1298	Taxes

THE STATE OF ALABAMA

By: Brandy Poer

Attorney for the Plaintiff
CAMPBELL, WALLER & POER, L.L.C.
2100 - A Southbridge Parkway
Suite 450
Birmingham, AL. 35209
205.803.0051

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EXHIBIT A

A part of the NE 1/4 of the NW 1/4, Section 28, Township 21 South, Range 1 West, Shelby County, Alabama, identified as Tract No. 5, Project No. BR-0070 (500), more particularly described as follows:

Commence at the northwest corner of said NE 1/4 of NW 1/4;

thence southerly along the west boundary of said NE 1/4 of NW 1/4 a distance of 853.27 feet to a point on the northerly property line (said point offset 38.13 feet and perpendicular to the Project centerline at Station 116+98.51), the point of beginning;

thence northeasterly a distance of 117.69 feet to the point of a curve to the right (said point offset 90.41 feet and perpendicular to the Project centerline at Station 118+03.95),the radius of said curve being 110.00 feet;

thence northeasterly along the arc of said curve a distance of 51.48 feet to a point (said point offset 101.86 feet and perpendicular to the Project centerline at Station 118+53.67 feet);

thence easterly a distance of 547.20 feet to a point on the northwesterly present right of way line of State Road 70 and the point of a curve to the right (said point offset 37.74 feet and perpendicular to the Project centerline at Station 124+17.27), the radius of said curve being 1561.66 feet;

thence southwesterly along said northwesterly present right of way line of State Road 70 and along the arc of said curve a distance of 327.75 feet to a point on an offset to said present right of way line (said point offset 19.42 feet and perpendicular to the Project centerline at Station 120+83.74);

thence southeasterly a distance of 15 feet, more or less, to a point on said present right of way line of State Road 70 (said point offset 4.45 feet and perpendicular to the Project centerline at Station 120+84.68);

thence westerly along said present right of way line a distance of 293.06 feet to a point on an offset to said present right of way line (said point offset 4.66 feet and perpendicular to the Project centerline at Station 117+91.73);

thence northerly a distance of 15 feet, more or less, to a point on the northerly present right of way line of State Road 70 (said point offset 10.34 feet and perpendicular to the Project centerline at Station 117+91.73);

thence westerly along said present right of way line a distance of 93.59 feet to a point on the westerly property line (said point offset 10.34 feet and perpendicular to the Project centerline at Station 116+98.15;

thence northerly 27.79 feet, more or less, to the point of beginning.

Containing 1.115 acres, more or less.

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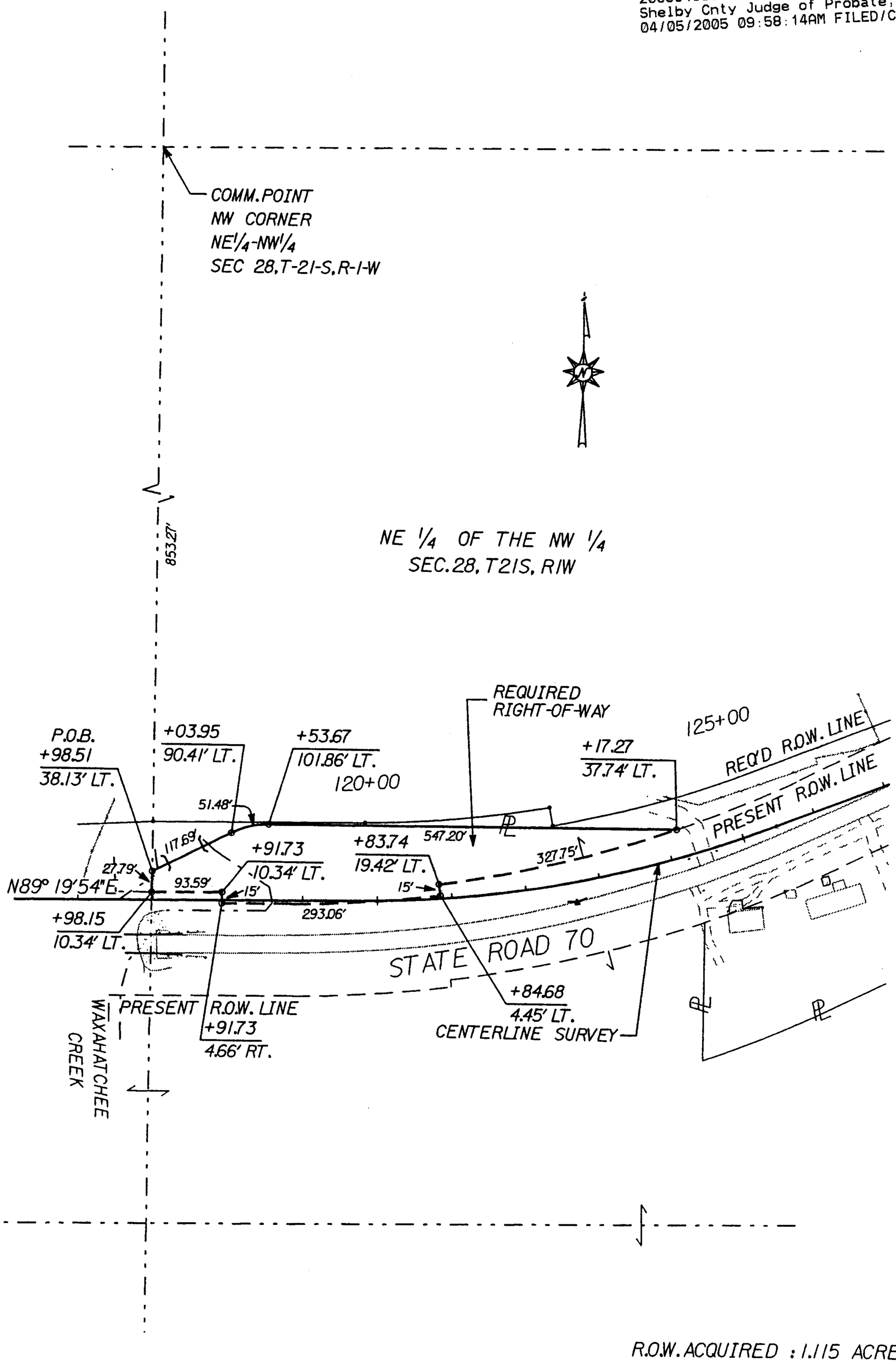

ALABAMA DEPARTMENT OF TRANSPORTATION

TRACT : NO. 5

PROJECT NUMBER : BR – 0070 (500)

OWNER : ARTHUR LEIGH

SHELBY COUNTY, ALABAMA

	ACRES
TOTAL AREA	96.853
R.O.W. ACQUIRED	1.115
AREA REMAINING	95.738

SCALE – 1" = 200'

DATE: 09 – 22 – 04

REVISIONS

EXHIBIT A

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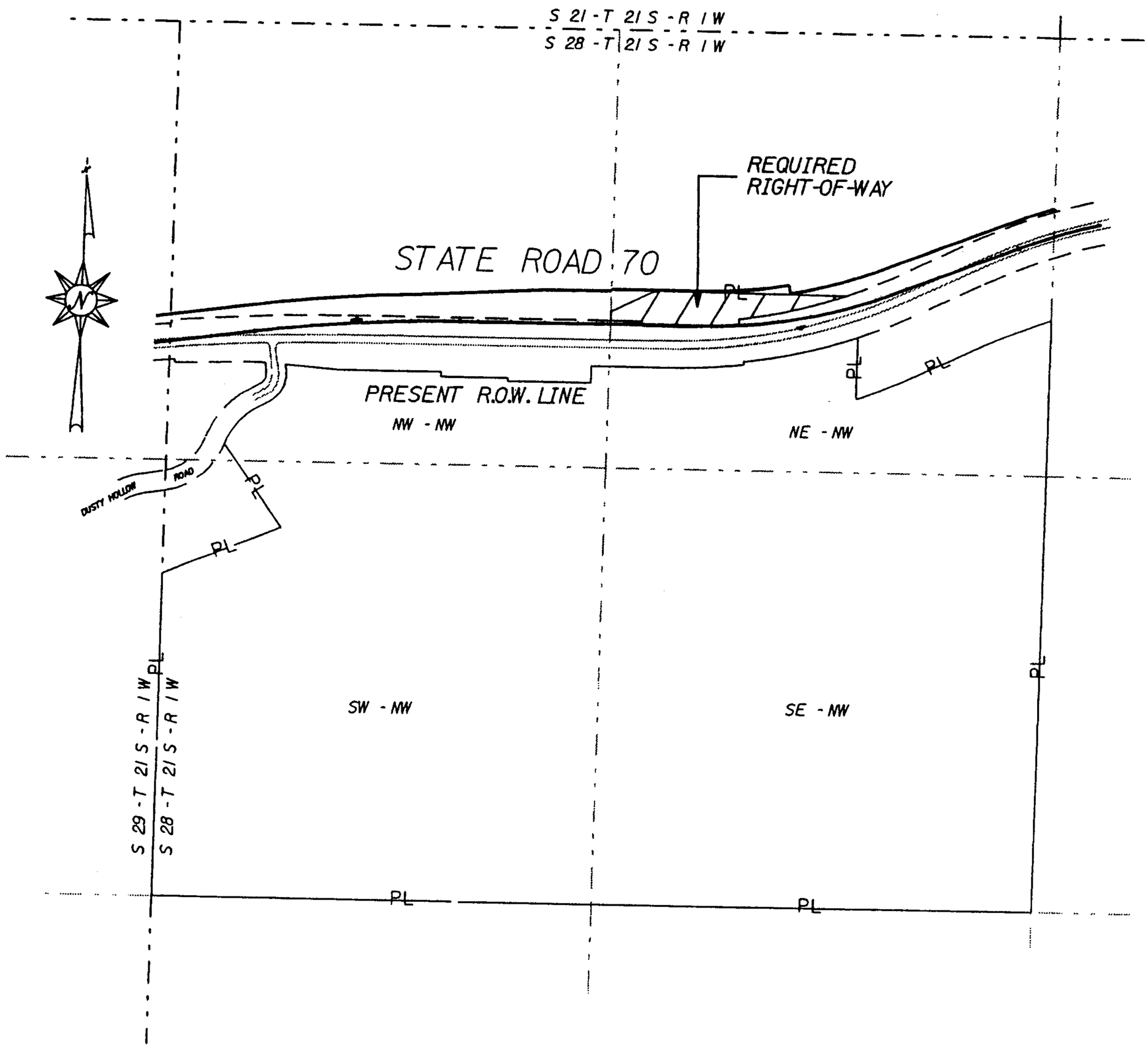

ALABAMA DEPARTMENT OF TRANSPORTATION

TRACT : NO. 5

PROJECT NUMBER : BR – 0070 (500)

OWNER : ARTHUR LEIGH

SHELBY COUNTY, ALABAMA

	ACRES
TOTAL AREA	96.853
R.O.W. ACQUIRED	1.115
AREA REMAINING	95.738

SCALE – NONE

DATE: 09 – 22 – 04

REVISIONS

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FORM ROW-RA-10
REVISED 3/01

ALABAMA DEPARTMENT OF TRANSPORTATION
NEGOTIATOR'S REPORT

NEGOTIATOR Brenda L. Roberson PAGE 1 OF 2
Project No. BR-0070(500) Owner Leigh Arthur Maddox
Tract No. 5 WM( ) WF(x) BM) BF( ) Other( )
County Shelby Address 1459 Montgomery Hwy
Area Acq'd 1.115 ac. Birmingham, AL 35216
Home Phone (205) 822-7730 Work Phone

Acquisition Contains: 0.075 acre
Residence( ) Business( ) Farm( ) Vacant Land(x) Non-Profit Org.( ) Sign( )

Acquisition Brochure:
( )Owner had obtained previously(x) Given one by negotiator on December 15, 2004

Offer
1. No Obligation $ **500.00** (Explain in detail basis on any amended
2. State Relocate Strs. $ offer by State)
3. Owner Relocate Strs. $
4. Other $
Owners option of retaining his improvements was explained to him and he does ( ) does not ( ) choose to retain improvements. Pertinent comments on owner retention

(x)Owner requested contacts are made with the representatives: Larry Maddox
Name Relationship to Owner

Date of Contact: December 15, 2004 Person(s) Contacted: Larry Maddox
Place of Contact: (x) Home ( ) Office ( ) Hwy. Office ( ) Phone
Substance of Discussion: The rights-of-way program, his and his mother's rights, and responsibilities were explained. He will telephone our office on Wednesday, December 22, 2004, to inform us if he is going to accept our offer or if he is going to counteroffer. This will give him time to discuss our offer with his mother and brother. When the appointment was made with Mr. Maddox, he was about his mother' name? He said, "my mother's name is actually Virginia Maddox". The offer was made in this name.
Result: (x) Pending ( ) Rejected ( ) Counteroffer ( ) Accepted Offer

Date of Contact: January 4, 2005 Person(s) Contacted: Larry Maddox
Place of Contact: ( ) Home ( ) Office ( ) Hwy. Office (x) Phone
Substance of Discussion: Message was left for him to call our office.

Result: (x) Pending ( ) Rejected ( ) Counteroffer # ( ) Accepted Offer #

Date of Contact: January 5, 2005 Person(s) Contacted: Larry Maddox
Place of Contact: ( ) Home ( ) Office ( ) Hwy. Office (x) Phone
Substance of Discussion: Telephoned about the message, which was left? The person said he had given Mr. Maddox my message. He does not stay at the hotel for any length of time. He sells fruit during the holidays.

Result: (x) Pending ( ) Rejected ( ) Counteroffer ( ) Accepted Offer #

Complete certification following conclusion of negotiations:
I certify that: (1) the written agreement secured embodies all of the considerations agreed upon between the negotiator and the property owner; (2) the agreement was reached without coercion, promises other than those shown in the agreement, or threats of any kind whatsoever by or to either party;** (3) it is understood +hat the parcels are to be secured for use in connection with a Federal-aid highway project; (4) I have no direct or indirect present or contemplated future personal interest in the parcels or in any benefit from the acquisition of such property.

(Signed) Brenda R Roberson (Title) Sr. ROW Specialist
Division Negotiator

(Date) February 25, 2005

**If use on a non-Federal-aid project, strike through provision three (3) which is not applicable.

EXHIBIT B