

20060215000077080 1/6 \$26.00
Shelby Cnty Judge of Probate, AL
02/15/2006 03:50:55PM FILED/CERT

STATE OF ALABAMA

COUNTY OF SHELBY

NOTICE OF LIS PENDENS

NOTICE is hereby given that on the 15th day of February 2006, suit was begun by the undersigned, as counsel for Education Corporation of Alabama, d/b/a Virginia College, LLC (hereinafter "Virginia College, LLC") in the Circuit Court of Shelby County, Alabama, bearing Civil Action No. CV-_____, and that the following are the names of all the parties to said suit:

**IN THE CIRCUIT COURT OF SHELBY COUNTY
STATE OF ALABAMA**

**EDUCATION CORPORATION OF
ALABAMA, d/b/a/ VIRGINIA
COLLEGE, LLC,**

Plaintiff,

v.

**D AND L PROPERTIES, J. WILSON
DINSMORE, JOANNE DINSMORE, and)
STEVE LAMBERT**

Defendants.

CIVIL ACTION NO. CV06-229

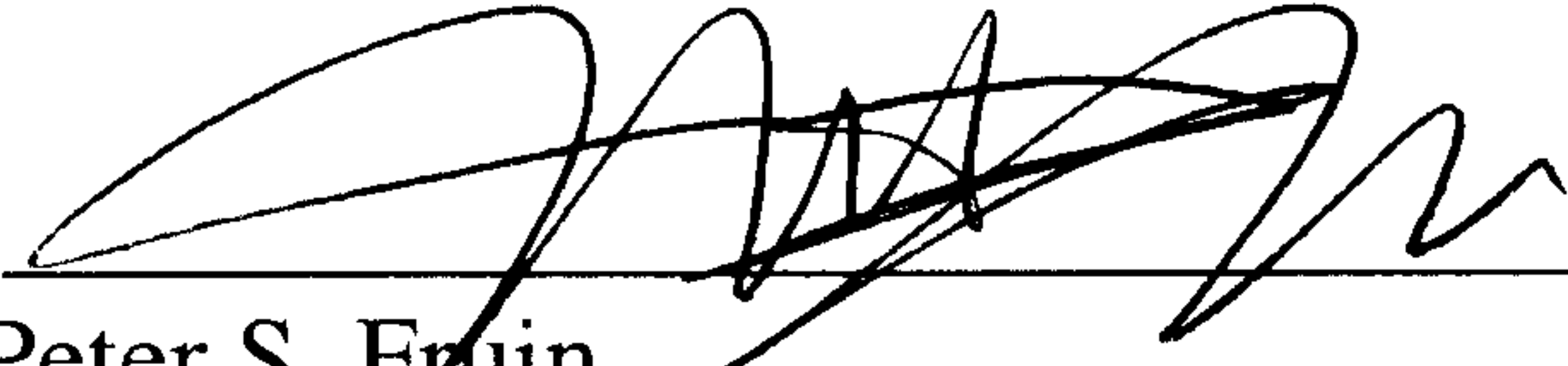
In said suit the following described real estate, situated in Shelby County, Alabama, is involved, to-wit:

1. a certain tract of land and improvements located in Shelby County, Alabama, at 2790 Pelham Parkway, Pelham, Alabama 35124, consisting of approximately 9.88 acres, an office building, warehouse building and parking area, a legal description of which is attached hereto as Exhibit A; and
2. a certain tract of land and improvements located in Shelby County, Alabama, at Pelham Parkway, Pelham, Alabama 35124, consisting of approximately 5.4 acres and a warehouse building, a legal description of which is attached hereto as Exhibit B.

No case number has yet been assigned. Anyone reading this Notice of Lis Pendens should review the records of the Circuit Court of Shelby County, Alabama to locate the to-be-determined file number. The aforesaid action is a suit to compel specific performance of a

contractual agreement providing for the transfer of title of the above-described real estate to Virginia College, LLC.

Respectfully submitted,



Peter S. Fruin
Joshua D. Jones

Attorneys for Plaintiff Virginia College, LLC

OF COUNSEL:

MAYNARD, COOPER & GALE, P.C.
1901 6th Avenue North
Suite 2400, AmSouth/Harbert Plaza
Birmingham, AL 35203
(205) 254-1000

CERTIFICATE OF SERVICE

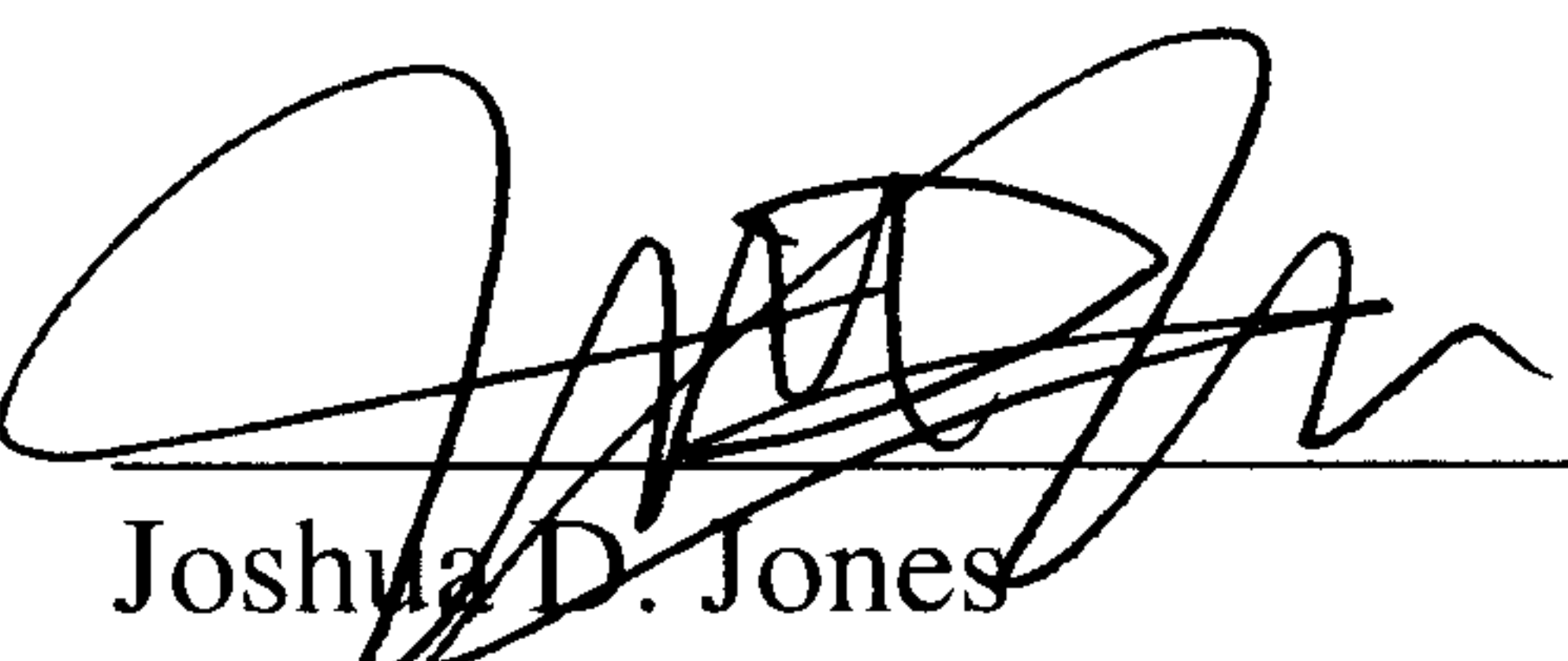
I hereby certify that I have served a copy of the foregoing document on the following by placing same in the United States Mail, postage prepaid and properly addressed on this the 15th day of February, 2006.

D AND L PROPERTIES
100 Age Herald Building
2107 5th Avenue South
Birmingham, AL 35203

J. Wilson Dinsmore
5324 Meadow Brook Rd
Birmingham, AL 35242

Joanne Dinsmore
5324 Meadow Brook Rd
Birmingham, AL 35242

Steve Lambert
1024 Dunnavant Valley Rd
Birmingham, AL 35242


Joshua D. Jones

Lawyers Title Insurance Corporation

National Headquarters
Richmond, Virginia



20060215000077080 3/6 \$26.00
Shelby Cnty Judge of Probate, AL
02/15/2006 03:50:55PM FILED/CERT

COMMITMENT FOR TITLE INSURANCE SCHEDULE A - PARAGRAPH 4 (continued)

LEGAL DESCRIPTION

Parcel I

A parcel of land situated in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, Being more particularly described as follows:

Commence at the NW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; Thence South 3 degrees 13 minutes 52 seconds East, along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 253.12 feet to the point of beginning; thence continue along last described course, and along said $\frac{1}{4}$ - $\frac{1}{4}$ line a distance of 47.63 feet; thence North 89 degrees 37 minutes 33 seconds East, and leaving said $\frac{1}{4}$ - $\frac{1}{4}$ line a distance of 1367.75 feet (Meas.), (1375.38 Deed), to a point lying on the West right-of-way line of U.S. Highway No. 31 (200 feet right-of-way); thence North 25 degrees 07 minutes 07 seconds East along said right-of-way line a distance of 333.68 feet to the point of intersection of said right-of-way line and the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence South 89 degrees 35 minutes 43 seconds West, leaving said right-of-way line and along said North line a distance of 1486.35 feet; thence South 5 degrees 48 minutes 35 seconds West, leaving said North line a distance of 254.31 feet (Meas.), (255.27 Deed), to the Point of Beginning.

Parcel II

Part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: From the Northwest corner of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 12, run in a southerly direction along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 300.0 feet to an existing crimp iron pin being the point of beginning; thence continue in a southerly direction along last mentioned course for a distance of 337.93 feet to an existing crimp iron pin; thence turn an angle to the left of 88 degrees 36 minutes 04 seconds and run in an easterly direction for a distance of 698.90 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 91 degrees 23 minutes 56 seconds and run in a northerly direction for a distance of 337.93 feet to an existing p.k. nail set in asphalt; thence turn an angle to the left of 88 degrees 36 minutes 04 seconds and run in a westerly direction for a distance of 698.90 feet, more or less, to the point of beginning.

This commitment is invalid unless the Insuring
Provisions and Schedules A and B are attached.

Commitment No. 111151
Schedule A-Paragraph 4 - Continued

STATE OF ALABAMA
SHELBY COUNTY

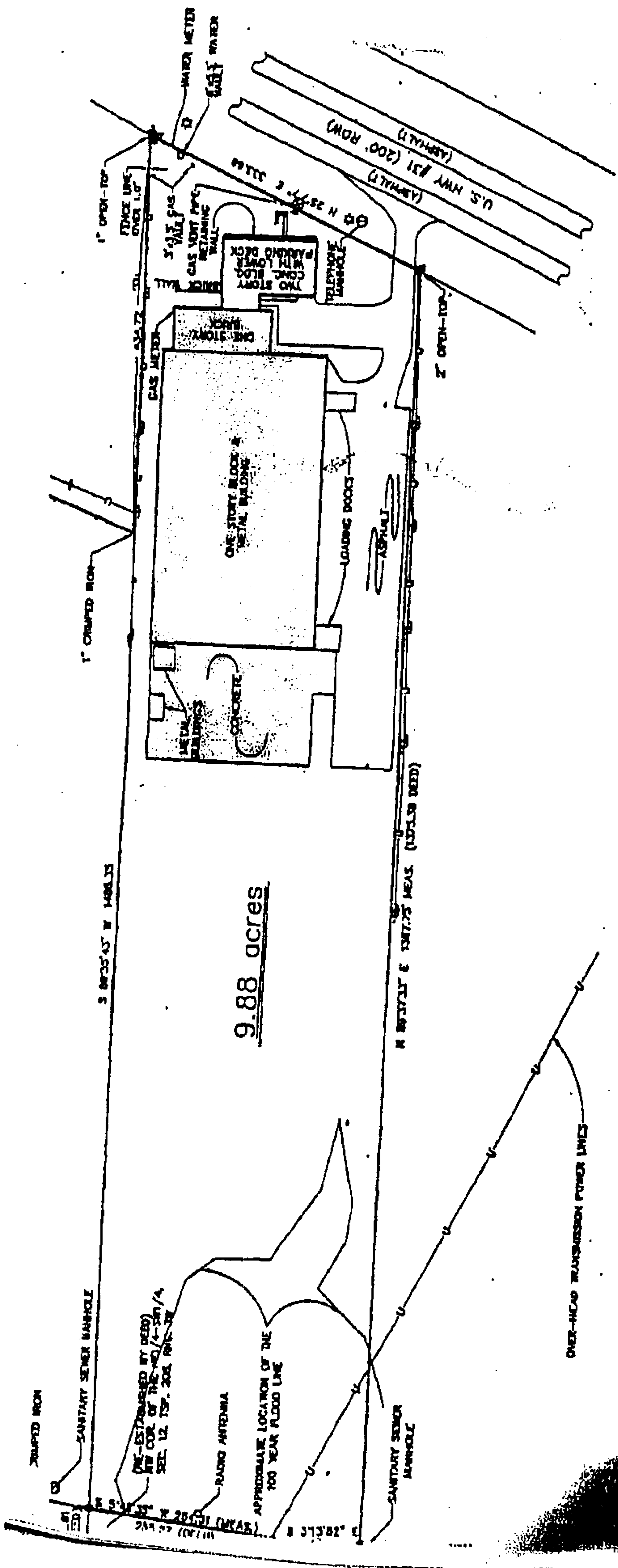
JANUARY 12, 2000

I, ROBERT C. FARMER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT MAP OR PLAT OF A PARCEL OF LAND SITUATED IN THE NE 1/4 OF THE SW 1/4 OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 3 WEST, SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
SECTION A DISTANCE OF 253.12' TO THE POINT OF BEGINNING; THENCE S 3DEG-13'-52" E, ALONG THE WEST LINE OF SAID 1/4-1/4 (1375.38 DEED), TO A POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 31 (200' RIGHT-OF-WAY); THENCE N 25DEG-07'-07" E, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1367.75' (MEAS.), SAID NORTH LINE A DISTANCE OF 1486.35'; THENCE S 5DEG-48'-35" W, LEAVING SAID RIGHT-OF-WAY (255.27 DEED), TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 9.88 ACRES OF LAND MORE OR LESS.

NOTE:

CONSULTED THE FEDERAL INSURANCE RATE MAP (FIRM), COMMUNITY PANEL No. 010193 0002 B, EFFECTIVE DATE JUNE 15, 1981 AND FOUND THAT SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA, EXCEPT AS NOTED.

SUBJECT TO RIGHT-OF-WAY GRANTED TO POSTAL TELEGRAPH CABLE COMPANY AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, DEED BOOK 80, PAGE 37.
SUBJECT TO RIGHT-OF-WAYS GRANTED TO ALABAMA POWER COMPANY AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA, DEED BOOK 101, PAGE 514; DEED BOOK 170, PAGE 264 AND DEED BOOK 233, PAGE 130.



Lawyers Title Insurance Corporation

National Headquarters
Richmond, Virginia

COMMITMENT FOR TITLE INSURANCE SCHEDULE A - PARAGRAPH 4 (continued)

20060215000077080 5/6 \$26.00
Shelby Cnty Judge of Probate, AL
02/15/2006 03:50:55PM FILED/CERT

LEGAL DESCRIPTION

Parcel I

A parcel of land situated in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, Being more particularly described as follows:

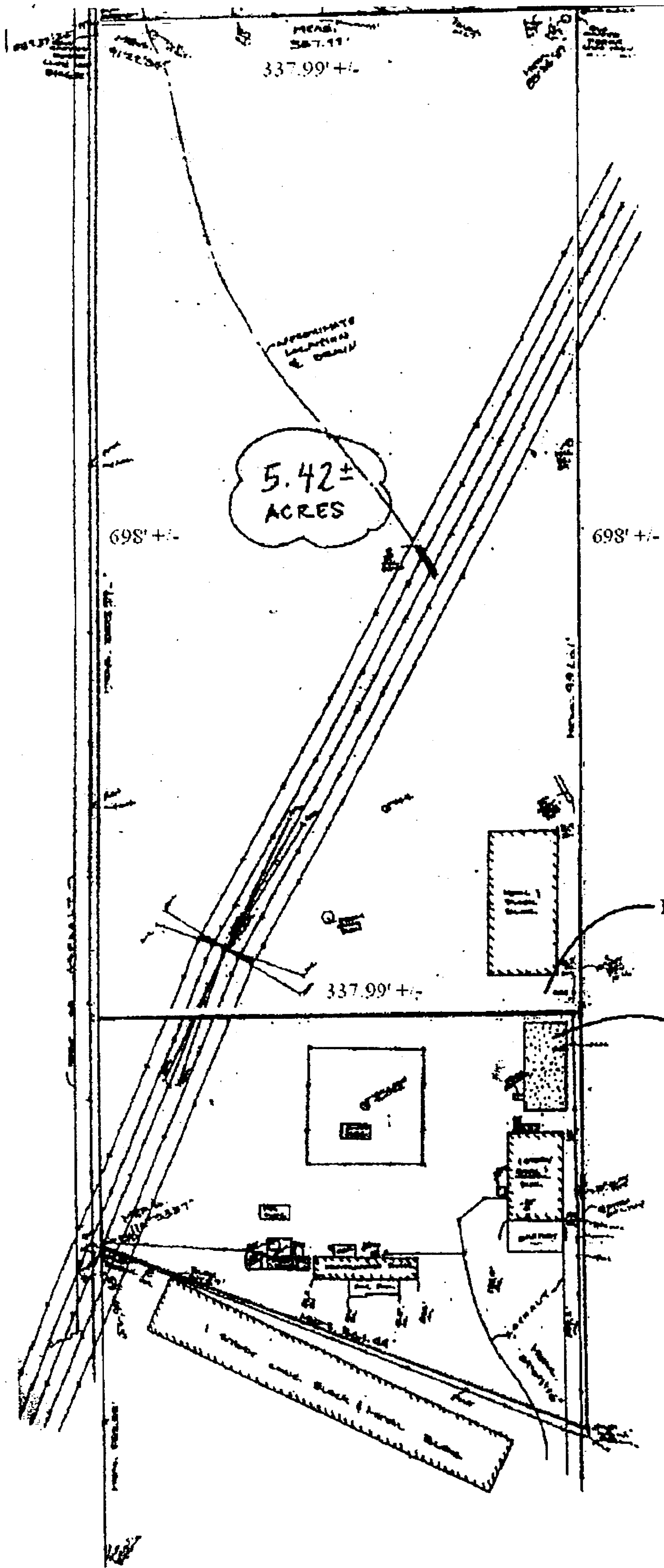
Commence at the NW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; Thence South 3 degrees 13 minutes 52 seconds East, along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 253.12 feet to the point of beginning; thence continue along last described course, and along said $\frac{1}{4}$ - $\frac{1}{4}$ line a distance of 47.63 feet; thence North 89 degrees 37 minutes 33 seconds East, and leaving said $\frac{1}{4}$ - $\frac{1}{4}$ line a distance of 1367.75 feet (Meas.), (1375.38 Deed), to a point lying on the West right-of-way line of U.S. Highway No. 31 (200 feet right-of-way); thence North 25 degrees 07 minutes 07 seconds East along said right-of-way line a distance of 333.68 feet to the point of intersection of said right-of-way line and the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence South 89 degrees 35 minutes 43 seconds West, leaving said right-of-way line and along said North line a distance of 1486.35 feet; thence South 5 degrees 48 minutes 35 seconds West, leaving said North line a distance of 254.31 feet (Meas.), (255.27 Deed), to the Point of Beginning.

Parcel II

Part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: From the Northwest corner of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 12, run in a southerly direction along the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 300.0 feet to an existing crimp iron pin being the point of beginning; thence continue in a southerly direction along last mentioned course for a distance of 337.93 feet to an existing crimp iron pin; thence turn an angle to the left of 88 degrees 36 minutes 04 seconds and run in an easterly direction for a distance of 698.90 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 91 degrees 23 minutes 56 seconds and run in a northerly direction for a distance of 337.93 feet to an existing p.k. nail set in asphalt; thence turn an angle to the left of 88 degrees 36 minutes 04 seconds and run in a westerly direction for a distance of 698.90 feet, more or less, to the point of beginning.

This commitment is invalid unless the Insuring
Provisions and Schedules A and B are attached.

Commitment No. 111151
Schedule A-Paragraph 4 - Continued



Approximate Lot Dimensions:

337.99' +/- x 698'
Containing 5.42 acres more or less

20060215000077080 6/6 \$26.00
Shelby Cnty Judge of Probate, AL
02/15/2006 03:50:55PM FILED/CERT