

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JEFFREY A. MILLS,
Plaintiff,

vs.

DOUGLAS M. KENT, II,
Defendant.

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CIVIL ACTION#:

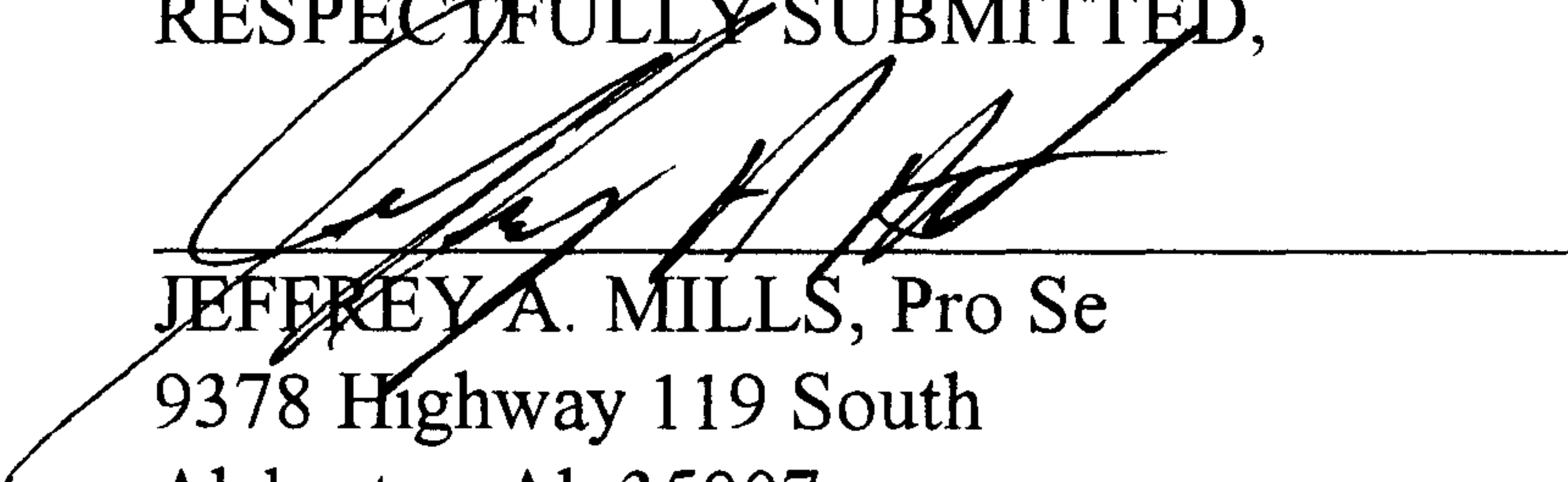
CV06-822

NOTICE OF LIS PENDENS

Notice is hereby given that Jeffrey A. Mills, commenced a civil action against Douglas M. Kent, II on the Third (3rd) day of July, 2006 in which the Plaintiff claims a right, title, interest, or claim in and to the property identified by the Shelby County Tax Assessor as Parcel Id#: 23-1-11-3-001-007.004 and more particularly described in that certain deed from Peggy S. Kent, Douglas M. Kent, II's former wife, to him executed on 3/9/1998 and recorded in the Shelby County Probate Office on 5/26/1998 as Instrument #: 1998-19098. (See Exhibit "A" attached hereto).

In the aforesaid civil action Jeffrey A. Mills alleges, among other things, the items attached as Exhibit "B" and attached hereto.

RESPECTFULLY SUBMITTED,


JEFFREY A. MILLS, Pro Se
9378 Highway 119 South
Alabaster, Al. 35007
Phone: (205) 620-0334

This instrument was prepared by:
L. Drew Redden
Redden, Mills & Clark
940 Regions Bank Building
Birmingham, AL 35203

NO TITLE SEARCH MADE

20060705000318900 2/13 \$47.00
Shelby Cnty Judge of Probate, AL
07/05/2006 08:21:46AM FILED/CERT

EXHIBIT
A

Inst # 1998-19098

STATUTORY WARRANTY DEED

STATE OF ALABAMA)
) KNOW ALL MEN BY THESE PRESENTS,
SHELBY ALABAMA)

That in consideration of One Dollar (\$1.00) and other valuable considerations, including the provisions of the Final Judgment of Divorce in Civil Action No. DR-97-450, Circuit Court of Shelby County, Alabama, wherein Douglas M. Kent, II was Plaintiff and Peggy S. Kent was Defendant, to the undersigned Grantor in hand paid by the Grantee herein, the receipt whereof is acknowledged, I,

Peggy S. Kent, an unmarried woman, Grantor

grant, bargain, sell and convey unto

Douglas M. Kent, II, Grantee,

the following-described real estate situated in Shelby County, Alabama, to-wit:

A part of the NE 1/4-SW 1/4, the NW 1/4-SE 1/4, the SW 1/4-SE 1/4, the SE 1/4-SW 1/4, Section 11 and the NW 1/4-NE 1/4 Section 14, all in Township 21 South, Range 3 West, Shelby County, Alabama, described as follows:

Commence at the southwest corner of Section 11, Township 21 south, Range 3 west, Shelby County, Alabama, and run thence easterly along the south line of said Section 11 a distance of 1,726.82' to the point of beginning of the property being described; thence turn 70 degrees 45'20" left and run northeasterly 208.85' to a point; thence turn 91 degrees 20'18" left and run northwesterly 222.68' to a point on the easterly right of way line of Highway No. 119; thence turn 96 degrees 22'56" right and run northeasterly along the said easterly right of way line of said Highway No. 119 a distance of 797.72' to the P.C. of a curve to the left having a central angle of 4 degrees 27' 14" and a radius of 5,427.11'; thence turn 2 degrees 47'08" left to chord and run northeasterly along the chord of said curve a chord distance of 421.88' to a point; thence turn 83 degrees 35'17" right from chord and run east-southeasterly 426.08' to a point; thence turn 88 degrees 01'10" left and run north-northeasterly 342.62' to a point in the centerline of Buck Creek; thence run along the centerline of Buck Creek for the following calls:

Thence 82 degrees 44'35" right and run easterly 153.94' to a point;
Thence 4 degrees 37'09" left and run easterly 49.66' to a point;
Thence 32 degrees 29'01" right and run southeasterly 197.13' to a point;
Thence 20 degrees 32'23" right and run southeasterly 109.17' to a point;
Thence 22 degrees 12'53" right and run southeasterly 201.62' to a point;
Thence 4 degrees 07'45" left and run southeasterly 134.88' to a point;
Thence 20 degrees 14'32" left and run southeasterly 149.23' to a point;
Thence 8 degrees 17'23" left and run southeasterly 91.63' to a point;
Thence 1 degree 43'41" right and run southeasterly 180.98' to a point;
Thence 14 degrees 49'44" right and run southeasterly 235.84' to a point;
Thence 7 degrees 33'27" right and run southeasterly 157.08' to a point;
Thence 5 degrees 18'05" left and run southeasterly 317.79' to a point;
Thence 4 degrees 26'26" left and run southeasterly 199.05' to a point;
Thence 0 degrees 22'40" right and run southeasterly 439.22' to a point;
Thence 2 degrees 10'59" left and run southeasterly 46.66' to a point;
Thence 18 degrees 51'29" left and run southeasterly 207.65' to a point;
Thence 40 degrees 12'49" right and run southerly 59.27' to a point;
Thence 23 degrees 57'09" right and run southerly 30.14' to a point;
Thence 49 degrees 14'43" left and run southeasterly 58.18' to a point;
Thence 53 degrees 17'39" left and run southeasterly 122.86' to a point on the northerly

right of way line of Shelby County Highway No. 26; thence turn 139 degrees 22'13" right and run southwesterly along said right of way line of said Highway No. 26 a distance of 81.24' to a point; thence turn 0 degrees 54'55" left and continue along said right of way line 138.06' to a point; thence turn 1 degree 38'59" left and continue along said right of way line 186.90' to a point; thence turn 5 degrees 12'39" left and continue along said right of way line 202.96' to a point; thence turn 118 degrees 54'59" right and run northwesterly 210.0' to a point; thence turn 17 degrees 55'49" left and run northwesterly 1,254.25' to a point on the south line of Section 11, thence turn 56 degrees 10'54" left and run westerly along said section line a distance of 1,273.50' to the point of beginning, containing 61.41 acres and subject to any and all easements, agreements, rights of way, restrictions and/or limitations of the Probate record or applicable law.

05/26/1998-19098
11:13 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 NC3 12.00

TO HAVE AND TO HOLD to the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9 day of March, 1998.

Peggy S. Kent (Seal)
Peggy S. Kent

STATE OF ALABAMA)

Jefferson COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that PEGGY S. KENT, an unmarried woman, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 9th day of March A.D., 1998.

Janice J. Patterson
NOTARY PUBLIC

Inst. # 1998-19098



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Shelby Cnty Judge of Probate, AL
07/05/2006 08:21:46AM FILED/CERT

05/26/1998-19098
11:13 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 NCB 12.00

EXHIBIT
B

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JEFFREY A. MILLS,

Plaintiff,

vs.

DOUGLAS M. KENT, II,

Defendant.

20060705000318900 4/13 \$47.00
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CIVIL ACTION#: CV06.822

COMPLAINT FOR SPECIFIC PERFORMANCE

COMES NOW the Plaintiff Jeffrey A. Mills ("Mills) by and through his attorney of record, Daugherty & Daugherty in order to file this complaint for specific performance of the sale of the subject property which is supported as follows:

- 1) Mills is an adult and a resident of Shelby County, Alabama.
- 2) The Defendant Douglas M. Kent, II; ("Kent") is an adult and is a resident of Shelby County, Alabama.
- 3) The subject property is located in Shelby County Alabama and is described as follows:

Commence at the SW corner of Section 11, T.S. 21S, RNG. 3W and run thence easterly along the south line of said section a distance of 1726.82 feet to a point, thence N 19 degrees 14 seconds 40 minutes E a distance of 208.85 feet to a point, thence S 74 degrees 14 minutes 40 seconds E a distance of 87.97 feet to a point, thence N 20 degrees 15 minutes 22 seconds E a distance of 111.74 feet to a point, thence N 24 degrees 49 minutes 26 seconds E a distance of 210.00 feet to a point, thence N 65 degrees 10 minutes 34 seconds W a distance of 23.94 feet to a point, thence S 24 degrees 49 minutes 26 minutes W a distance of 210.00 feet to a point, thence N 65 degrees 09 minutes 14 seconds W a distance of 59.85 feet to a point, thence N 24 degrees 47 minutes 23 seconds E a distance of 4.84 feet to a point, thence N 64 degrees 40 minutes 54 seconds W a distance of 74.51 feet to a point, thence S 26 degrees 04 minutes 05 seconds W a distance of 5.40 feet to a point, thence N 65 degrees 06 minutes 44 seconds W a distance of 135.30 feet to a point on the east right

of way of Highway No. 119, thence S 24 degrees 39 minutes 01 seconds W along said right of way a distance of 150 .00 feet to a point, thence S 71 degrees 45 minutes 25 seconds E a distance of 222.68 feet to the point of beginning containing 1.03 acres subject to any and all easements, right of way, agreements of record or applicable law.

Plus:

Commence at the SW corner of Section 11, T.S. 21S, RNG. 3W and run thence easterly along the south line of said section a distance of 1726.82 feet to a point, thence N 19 degrees 14 seconds 40 minutes E a distance of 208.85 feet to a point, thence S 74 degrees 14 minutes 40 seconds E a distance of 87.97 feet to a point, thence N 20 degrees 15 minutes 22 seconds E a distance of 111.74 feet to a point, thence N 24 degrees 49 minutes 26 seconds E a distance of 210.00 feet to a point, thence N 65 degrees 10 minutes 34 seconds W a distance of 23.94 feet to a point, thence S 24 degrees 49 minutes 26 minutes W a distance of 210.00 feet to a point, thence N 65 degrees 09 minutes 14 seconds W a distance of 59.85 feet to the P.O.B., thence N 24 degrees 47 minutes 23 seconds E a distance of 4.84 feet to a point, thence N 64 degrees 40 minutes 54 seconds W a distance of 74.51 feet to a point, thence S 26 degrees 04 minutes 05 seconds W a distance of 5.40 feet to a point, thence S 65 degrees 06 minutes 55 seconds E a distance of 74.63 feet to the point of beginning containing 381.76 S.F. subject to and all easements, right of way, or agreements of record or applicable law. (See survey of Joseph E. Conn, Jr. #9049 dated 2/10/1999)

Less:

Commence at the SW corner of Section 11, T.S. 21S, RNG. 3W and run thence easterly along the south line of said section a distance of 1726.82 feet to a point, thence turn 70 degrees 45 minutes 20 seconds to the left and run northerly 208.85 feet to a steel rebar corner and the point of beginning of the property being described; Thence turn 00 degrees 07 minutes 23 seconds to the left and continue northerly 124.85 feet to a steel rebar corner; Thence turn 84 degrees 33 minutes 48 seconds to the left and run westerly 210.00 feet to a steel rebar corner on the easterly right of way line of Alabama Highway 119; Thence turn 90 degrees 13 minutes 43 seconds to the left and run southerly along said right of way line of said highway 150.04 feet to a steel rebar corner; Thence turn 96 degrees 23 minutes 08 seconds to the left and run easterly 22.68 feet to the point of beginning, containing 29,655 square feet or 0.6807 of an acre. Property subject to any and all easements, right of way, restrictions, regulations and/or limitations of probate record, regulation or applicable law.

4) Kent's parcel from which the subject property is to be taken is identified in Shelby County, Alabama as Parcel Id#: 23-1-11-3-001-007.004 and is described in that certain deed from Peggy S. Kent, Kent's former wife, to him executed on 3/9/1998 and recorded in the Shelby County Probate Office on 5/26/1998 as Instrument#: 1998-19098. (See Exhibit "1" attached hereto).

5) Kent offered the sale of the subject property to Mills on or around the first part of 1998 for \$2.00 per square foot.

6) In order to determine the exact location of the land offered for sale, Kent suggested that Mills use Kent's surveyor, Joseph E. Conn, Jr., to survey the subject property.

7) Mills did in fact hired the surveyor Joseph E. Conn, Jr. to survey the subject property.

8) The purpose of the purchase of the subject property was to provide Mills an area to store his vehicles behind his paint and body shop and to provide access to the entrance of the paint and body shop, which can only be accessed in the rear of the building. These areas have been used for this purpose in the past and these areas are best depicted by an aerial photograph of this area supplied by the Shelby County Tax Revenue Department. (See Exhibit "2" attached hereto).

9) On or around April 3, 1998 Mills made a partial payment to "Mike Kent" of \$7,200.00 by way of check #: 720 for the purchase of the subject property stating on said check "partial payment of parcel 1." (See Exhibit "3" attached hereto).

10) On or around May 13, 1998 Mills made a partial payment to "Mike Kent" of \$5,000.00 by way of check #: 850 for the purchase of the subject property stating on said check "5,000.00 on property." (See Exhibit "4" attached hereto).

11) Mills performed paint and body work on two (2) vehicles for Kent which was to go to the purchase of the subject property. No money exchanged hands but was understood between Mills and Kent that this labor and materials would go towards the payment of the subject property.

12) Whereas Kent was in the habit of dropping by Millses office periodically to talk about the conveyance of the subject property, Kent stopped dropping by.

13) If Kent was satisfied with the payments and work performed in exchange for the subject

property, Mills wanted the deed to reflect the conveyance.

14) On the other hand, if Kent felt that Mills owed additional money or services, then Mills wanted to know what that was so that the conveyance could be consummated and a deed issued but Kent was no where to be found.

15) At one point Mills phoned Kent only to learn that Kent was in Florida so Mills asked that Kent stop by when he got back into town so that they could consummate the conveyance but Kent never came by.

16) Later Kent had a wooden fence built splitting the subject property so again Mills phoned Kent to ask Kent what was going on. Kent told Mills that he would get by soon to discuss what was going on but never came by.

11) A week or two prior to filing this complaint for specific performance Mills learned that Kent was in the process of selling his property and the subject property to someone in order for there to be a subdivision built.

12) Mills is now, and has been at all times relevant to this cause, ready, willing, and able to carry out and perform the terms, provisions, and obligations of said contract.

13) Mills has offered to perform his obligations under said contract.

14) Mills has demanded that Kent perform his obligations under said contract, but Kent has failed and/or refused to do so.

15) Damages would be an inadequate remedy and Mills is entitled to the specific performance of said contract by Kent.

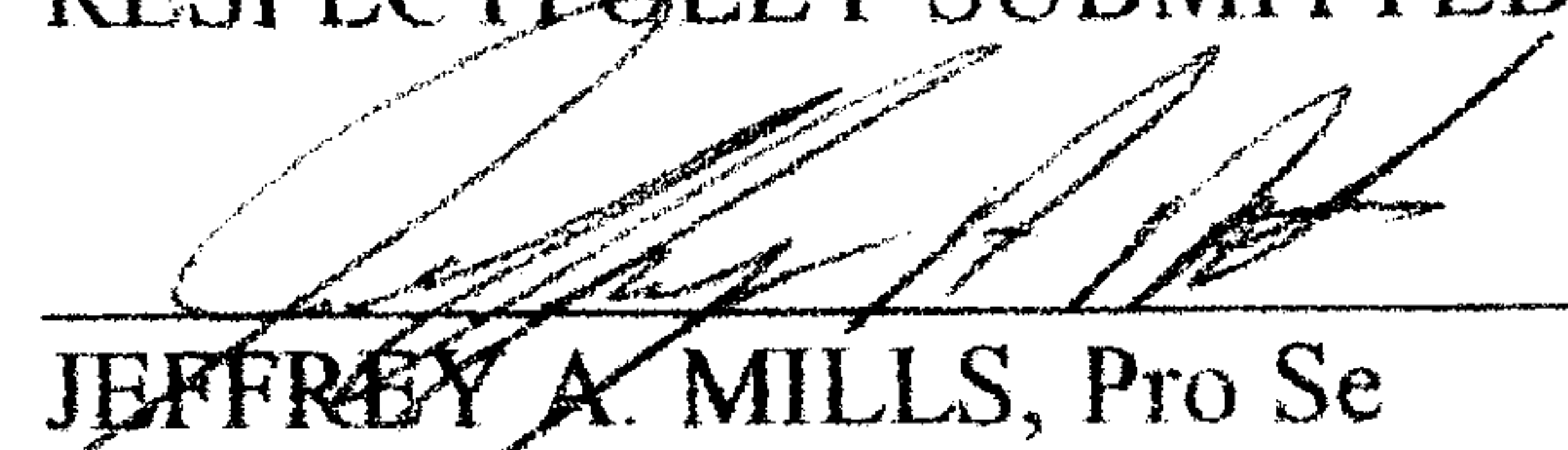
16) Mills offers to do equity in the premises.

Wherefore Premises Considered, Mills prays that this Honorable Court grant him the

following relief:

- (A) a decree directing the specific performance of the said contract by Kent to Mills; and
- (B) a decree directing Kent to execute a deed conveying the said real property to Mills pursuant to the terms and provisions of said contract, upon payment by Mills of the remaining purchase price, if any is determined to be owing, and
- (C) an award to Mills's for attorney's fee and costs to be paid by Kent, and
- (D) an award to Mills of such other, further or different relief as may be just and proper.

RESPECTFULLY SUBMITTED,


JEFFREY A. MILLS, Pro Se
9378 Highway 119 South
Alabaster, Al. 35007
Phone: (205) 620-0334

DEFENDANT TO BE SERVED AT:

DOUGLAS MIKE KENT, II
9606 HIGHWAY 119
ALABASTER, AL. 35007

This instrument was prepared by:
L. Drew Redden
Redden, Mills & Clark
940 Regions Bank Building
Birmingham, AL 35203

NO TITLE SEARCH MADE

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Peggy S. Kent, an unmarried woman, Grantor

grant, bargain, sell and convey unto

Douglas M. Kent, II, Grantee,

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A part of the NE 1/4-SW 1/4, the NW 1/4-SE 1/4, the SW 1/4-SE 1/4, the SE 1/4-SW 1/4, Section 11 and the NW 1/4-NE 1/4 Section 14, all in Township 21 South, Range 3 West, Shelby County, Alabama, described as follows:

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DOE KCB 12.00

TO HAVE AND TO HOLD to the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9 day of March, 1998.

Peggy S. Kent (Seal)
Peggy S. Kent

STATE OF ALABAMA)

Jefferson COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that PEGGY S. KENT, an unmarried woman, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 9th day of March A.D., 1998.

Janice J. Patterson
NOTARY PUBLIC

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A high-contrast, black and white image of a hand with fingers spread, possibly a sign or gesture. The image is oriented vertically, with the hand positioned at the top and fingers pointing downwards. The background is white, and the hand is rendered in solid black, creating a stark, graphic effect. The fingers are slightly curved, and the overall shape suggests a specific gesture or sign.



DATE 5/17/15

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Wm. - 10/10/14

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EXHIBIT

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