

## **NOTICE OF LIS PENDENS**

**IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

**SHELBY COUNTY, ALABAMA**, a  
political subdivision of the State of  
Alabama,

Plaintiff,

vs.

**CASE NO. PR 2007-000154**

**LESLEY P. SMITHERMAN; LOUISE MERRITTE, also known as LOUISE SMITHERMAN, also known as LOUISE STUDIMIRE; LEE R. FOSTER**, individually and as Executor of the Estate of Cornelia Newsome, deceased; **JESSIE MILLENDER; DONALD ARMSTRONG**, in his official capacity as Property Tax Commissioner of Shelby County, Alabama; **BLANK COMPANY**, a corporation, the owner of the property described in the Complaint; **JOHN DOE and MARY DOE**, the persons who own the property described in the Complaint, or some interest therein; **BLANK COMPANY**, the entity which is the mortgagee in a mortgage on the above-described property or claims some lien or encumbrance against the same, 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 Shelby County, Alabama, a political subdivision of the State of Alabama, by its attorney, and files herewith notice to all persons concerned that on the 19 day of **March, 2007**, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby said Shelby County, Alabama, a political subdivision of the State of Alabama, seeks to obtain certain ownership to real property, easements, and public rights of way 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): Lesley P. Smitherman; Louise Merritte, also known as Louise Smitherman, also known as Louise Studimire; Cornelia Newsome; Donald Armstrong, in his official capacity as Property Tax Commissioner of Shelby County, Alabama.

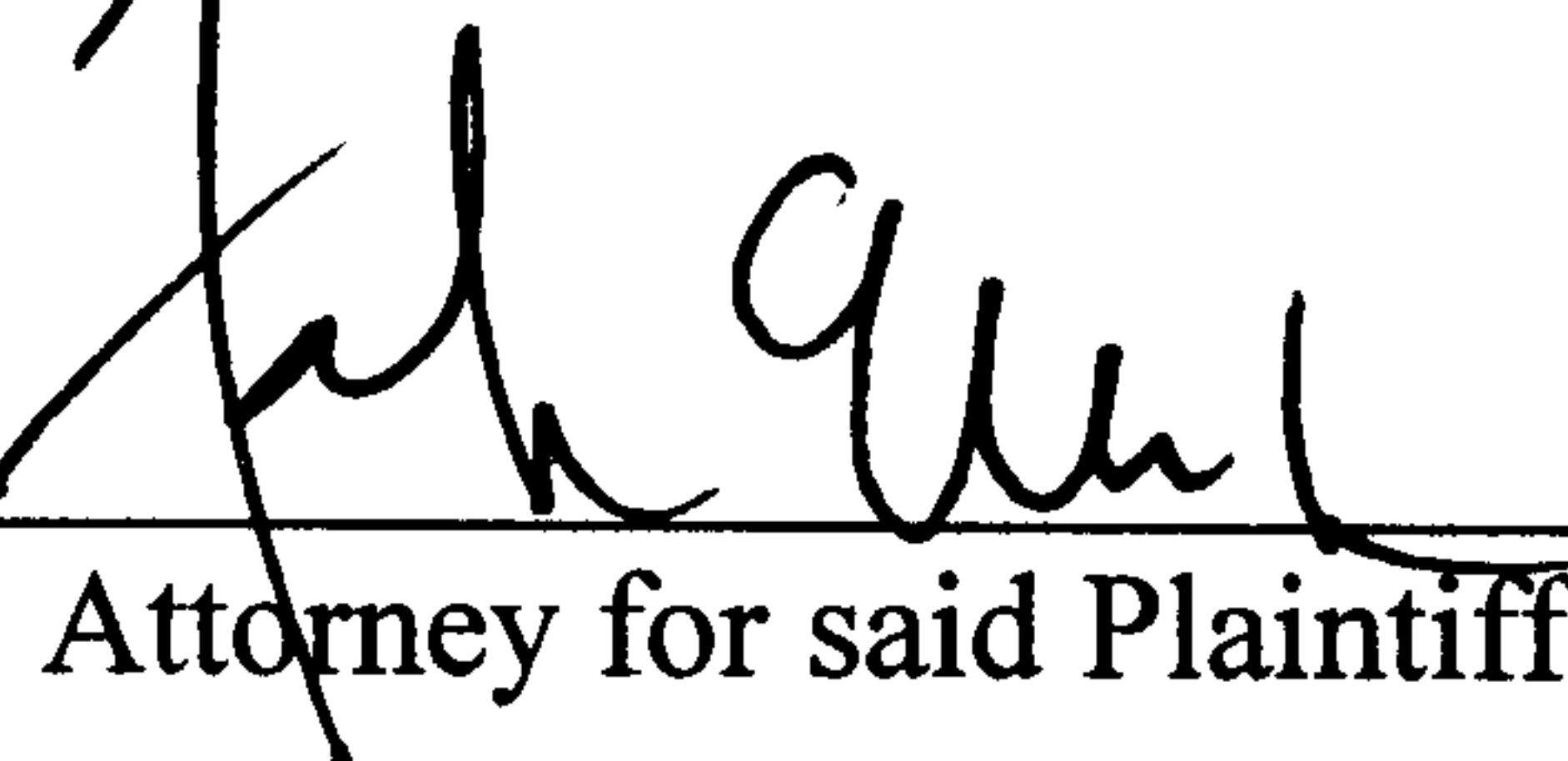
Property described on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein.

Description of above property is taken from right of way map of said project on file in the office of Shelby County Water Services, 200 West College Street, Columbiana, 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.

SHELBY COUNTY, ALABAMA,  
a political subdivision of the State of Alabama

By

  
Attorney for said Plaintiff

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 March, 2007, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m. and duly recorded as Instrument No. \_\_\_\_\_, and examined.

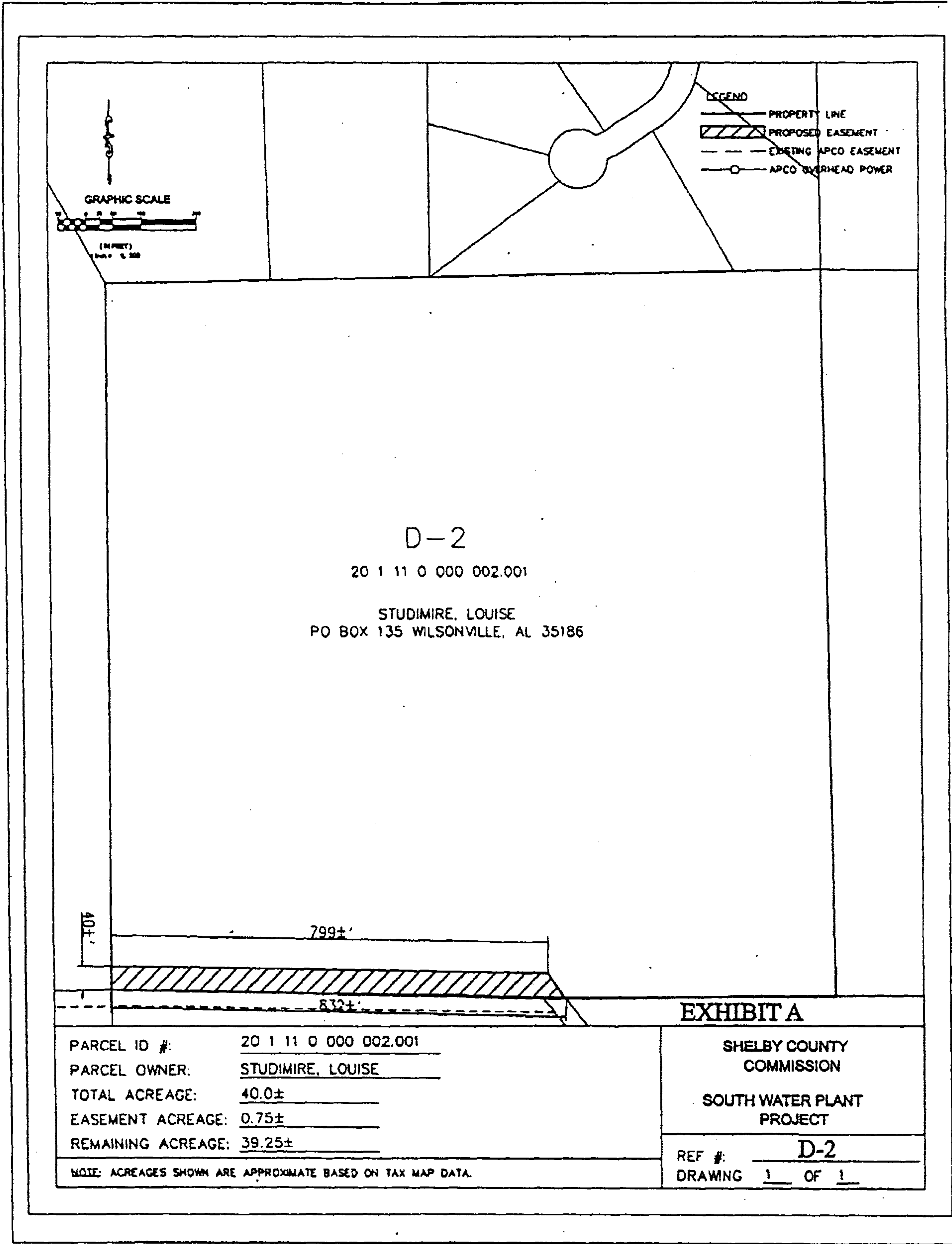
\_\_\_\_\_  
Judge of Probate





20070319000124780 3/4 \$.00  
Shelby Cnty Judge of Probate, AL  
03/19/2007 03:02:10PM FILED/CERT

Tract Sketch (not to scale):





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Shelby Cnty Judge of Probate, AL  
03/19/2007 03:02:10PM FILED/CERT

**Project Easement Reference: D2**

**Shelby County Parcel ID 20-1-11-0-000-002.001**

**Owner of Record To Be Determined By County Attorney**

**Description:**

A 40 foot utility easement for a water line situated in the SW 1/4 of the NE 14 of Section 11, Township 21 South, Range 1 East and within the property recorded in Deed Book 17 Page 814 in the Office of the Probate Judge of Shelby County, Alabama containing 0.75 acres more or less, and being a part of the following more particularly described 40 foot easement:

Begin at a 1/2 inch rebar found locally accepted to be the Southeast corner of the Northwest quarter of said Section 11; thence run South 89 degrees, 48 minutes, 32 seconds West along the South line of said quarter Section for a distance of 908.27 feet to a 1/2 inch rebar found; thence run North 00 degrees, 23 minutes, 37 seconds East crossing County Highway No. 410 for a distance of 2,917.29 feet to the South right-of-way line of a 100 foot rail road right-of-way; thence run North 86 degrees, 01 minutes, 14 seconds East along said South right-of-way line for a distance of 40.12 feet to a point; thence run South 00 degrees, 23 minutes, 37 seconds West crossing Shelby County Highway No. 410 for a distance of 2,879.94 feet to a point; thence run North 89 degrees, 48 minutes, 32 seconds East 40 feet from and parallel to the South line of said quarter Section for a distance of 868.30 feet to a point; thence run South 88 degrees, 55 minutes, 09 seconds East for a distance of 799.11 feet to a point; thence run South 38 degrees, 46 minutes, 10 seconds East for a distance of 52.10 feet to a 1/2 inch rebar found; thence continue along last started course for a distance of 594.13 feet to a 1/2 inch rebar found; thence run South 61 degrees, 44 minutes, 52 seconds West for a distance of 40.68 feet to a point; thence run North 38 degrees, 46 minutes, 10 seconds West for a distance of 620.09 feet to a point; thence run North 88 degrees, 55 minutes, 09 seconds West for a distance of 779.95 feet to the point of beginning; said 40 foot utility easement containing a 4.784 acres, more or less. Less and Except any part of the above described 40' easement not a part of property described in Deed Book 017, Page 814.