


STATE OF ALABAMA)
 :
SHELBY COUNTY)

This instrument prepared by
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**IN THE PROBATE COURT OF
SHELBY COUNTY, ALABAMA**


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Shelby Cnty Judge of Probate, AL
08/24/2007 01:34:11PM FILED/CERT

NOTICE OF LIS PENDENS

Notice is hereby given that on the 31st day of July, 2007, a Complaint was filed by the undersigned in the Circuit Court of Jefferson County, Alabama, Case No. CV 07-901520¹, and that the following are the names of all of the parties to said suit:

**IN THE CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA**

SUZANNE D. ELDER,

Plaintiff,

v.

THE CITY OF HELENA, ALABAMA, a)
municipal corporation,

Defendant.

Case No. CV 07-901520

Notice is hereby given that on the 31st day of July, 2007 Plaintiff Suzanne D. Elder (referred to hereinafter as "Plaintiff") filed a complaint in the Circuit Court of Jefferson County, Alabama, (the "Complaint") against defendant The City of Helena, Alabama, a municipal corporation. In the Complaint, Plaintiff alleges among other things, the following:

¹ Anyone reviewing this Notice of Lis Pendens should take note that this case has been transferred to the Circuit Court of Shelby County, Alabama. However, at the time of the execution of this notice counsel for plaintiff was unable to obtain the new Shelby County Circuit Court Case Number from the Shelby County Circuit Clerk's office. Accordingly, the original case number assigned to this matter when it was first filed in the Circuit Court of Jefferson County is being used.

1. The subject property at issue in this case (the "Property") is that certain parcel of real property located in Shelby County, Alabama that is more particularly described as:

A tract of land located in Sections 26 and 27, Township 20 South, Range 4 West, of the Huntsville, Principal Meridian, Shelby County, Alabama, more particularly described as follows:

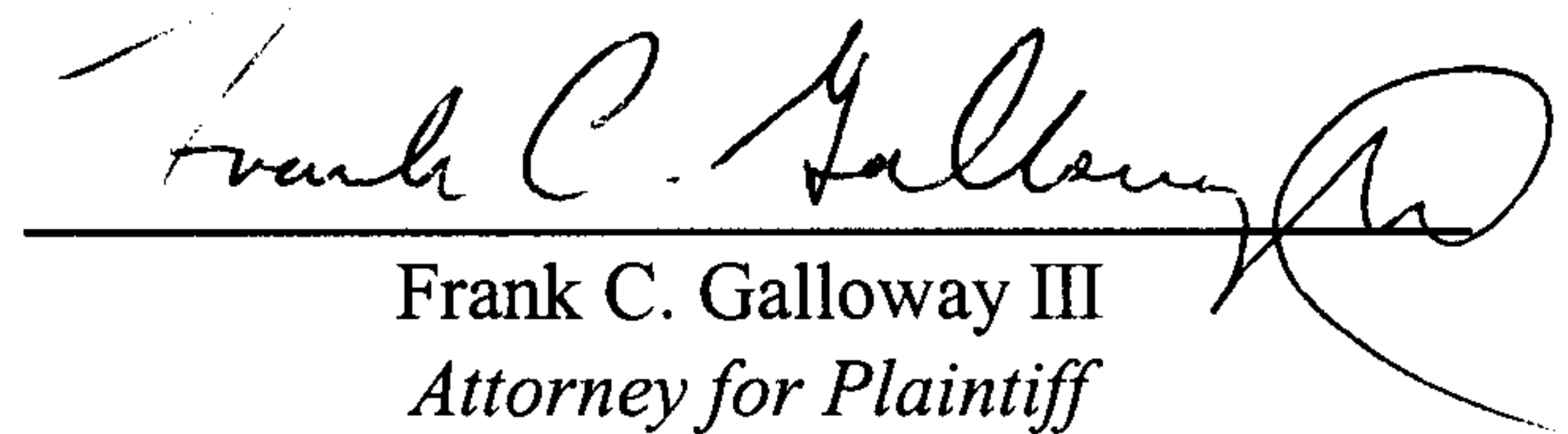
Commence at the Northwest corner of Section 26; thence east along the northern boundary of Section 26, 170 feet, more or less, to the centerline of the Norfolk Southern Railway, said point being the **point of beginning** of a tract of land herein described; thence continue east along the northern boundary of Section 26, 225 feet, more or less, to the centerline of Shelby County Road # 93; thence south and southeasterly along the centerline of County Road # 93, 1740 feet, more or less, to the centerline of Hurricane Creek; thence south and southwesterly along the centerline of Hurricane Creek to a point 215.0 feet north of the southern boundary of the South-West quarter of the North-West quarter of Section 26; thence west and parallel to the southern boundary of the South-West quarter of the North-West quarter of Section 26 and the South-East quarter of the North-East quarter of Section 27 to a point on the west boundary of the South-East quarter of the North-East quarter of Section 27, said point being 215.0 feet north of the Southwest corner of said quarter-quarter; thence north along the west boundary of the South-East quarter of the North-East quarter of Section 27, 400 feet, more or less, to the centerline of the Norfolk Southern Railway; thence northeasterly 900 feet, more or less, along the centerline of the Norfolk Southern Railway to the north boundary of the South-East quarter of the North-East quarter of Section 27; thence east 800 feet, more or less, along the north boundary of the South-East quarter of the North-East quarter of Section 27 to the Southwest corner of the North-West quarter of the North-West quarter of Section 26; thence north 1100 feet, more or less, along the west boundary of the North-West quarter of the North-West quarter of Section 26 to the centerline of the Norfolk Southern Railway; thence northeasterly along the centerline of said railway to the **point of beginning**.

2. The City, via its City Council has undertaken to re-rezone all or part of the Property and approve the subdivision of lots therein so as purportedly to create legally subdivided lots within the Property. Plaintiff contests the validity of such actions both on procedural and

substantive bases alleging *inter alia* that the subject re-rezoning is fatally flawed and that notwithstanding the alleged invalidity of the re-rezoning, the City Council is legally incapable of effecting the subdivision of lots.

3. The undersigned gives further notice that there is a pending motion in a previously filed case styled *Andrew Haffenden and Suzanne D. Elder v. The City of Helena, Alabama, et al.*; Case No. CV 06-742 in the Circuit Court of Shelby County, Alabama and *Suzanne D. Elder v. The City of Helena, Alabama* ("Case No. 1") to consolidate the subject case with Case No. 1.

Done this 24th day of August, 2007.


Frank C. Galloway III
Attorney for Plaintiff