

STATE OF ALABAMA     )  
                              :  
SHELBY COUNTY         )

*This instrument prepared by*  
Frank C. Galloway III  
Galloway & Somerville, LLC  
11 Oak Street  
Birmingham, AL 35213

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

**SECOND NOTICE OF LIS PENDENS<sup>1</sup>**

Notice is hereby given that on the 31st day of July, 2007, a Complaint was filed by Suzanne Elder in the Circuit Court of Jefferson County, Alabama, Case No. CV 07-901520, and that the said case has been transferred to the Circuit Court of Shelby County, Alabama and is properly denominated as follows:

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

SUZANNE D. ELDER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV 07-773
	)	
THE CITY OF HELENA, ALABAMA, a)	)	
municipal corporation,	)	
	)	
Defendant.	)	

After the transfer of this case to Shelby County, Alabama, a motion was filed to consolidate it with a prior case, *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. In the second case, Plaintiff alleges among other things, the following:

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<sup>1</sup> This document is entitled "Second Notice of Lis Pendens". A Lis Pendens was previously filed referencing this matter (recorded in the Office of the Judge of Probate of Shelby County, Alabama as document #20070824000400230), showing the lawsuit had been filed in and transferred from Jefferson County Circuit Court, but a case number had not yet been assigned to the lawsuit by Shelby County Circuit Court.

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:

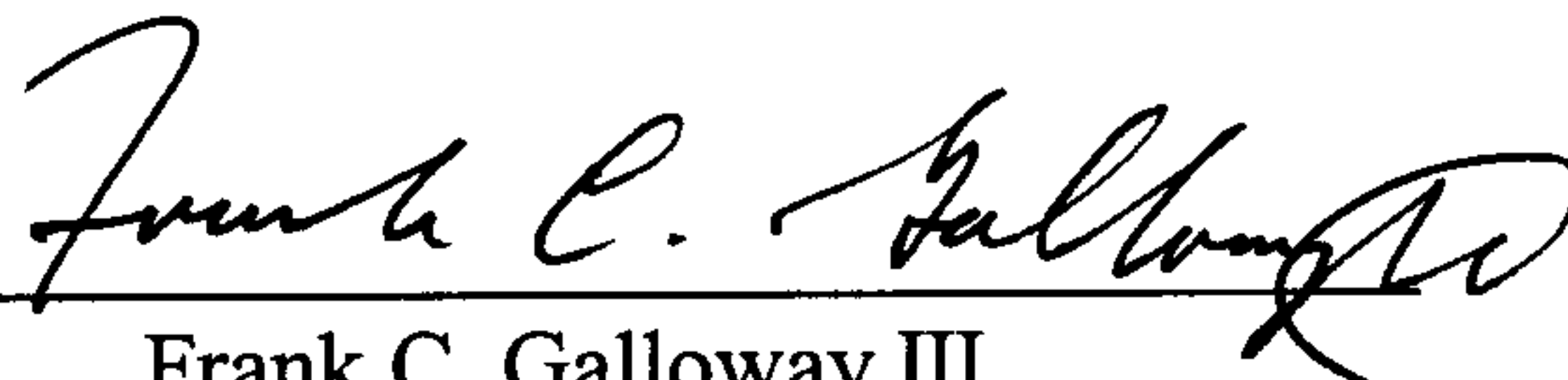
Commence at the Northwest corner of Section 26; thence east along the northern boundary of Section 26, 170 feet, more or less, to the centerline of the Norfolk Southern Railway, said point being the **point of beginning** of a tract of land herein described; thence continue east along the northern boundary 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 this “re-rezoning”, the City Council is legally incapable of effecting the subdivision of lots.

3. In the first case, Plaintiff and co-Plaintiff Andrew Haffenden seek, *inter alia*, to have the Circuit Court of Shelby County, Alabama declare a prior rezoning of the Property invalid for substantive and procedural shortcomings.

Done this 27th day of September, 2007.

  
Frank C. Galloway III  
Attorney for Plaintiff