

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SOUTHPOINT BANK, INC.,

Plaintiff,

vs.

CIVIL ACTION NO. CV 2008 1093

KEN UNDERWOOD CLASSIC HOMES, INC.,

AND KEN H. UNDERWOOD;

A,B,C,D,E,F,G,H,

All Those Persons Who Claim in Interest

in or Who Occupy the Real Property

Described as Exhibits "A-D" Attached Hereto

Defendants.

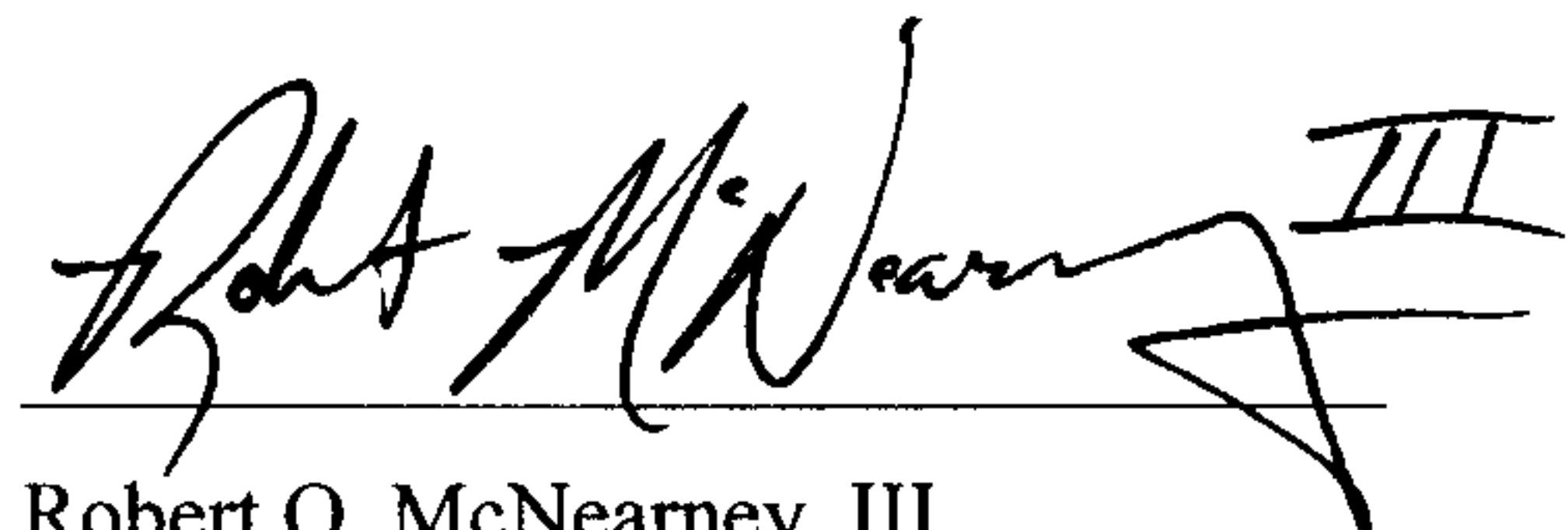
NOTICE of LIS PENDENS

Notice is hereby given that SouthPoint Bank, commenced a civil action against Ken Underwood Classic Homes and Ken H. Underwood, on the 14th day of November, 2008, in which Plaintiff claims a right, title, and interest, or claim in and to the following described property:

LOTS 2, 4, 6, 8, 38, 40, 42, 44, 46, 64, 78, AND 82 ACCORDING TO THE FINAL PLAT SURVEY OF SHELBY FARMS SUBDIVISION AS RECORDED IN MAP BOOK 38 PAGE 149 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

In the aforementioned civil action SouthPoint Bank alleges, among other things the following:

1. That Plaintiff is the Mortgagee of the aforementioned property, and holds legal title to the note and mortgage of said property.
2. That the Defendants have defaulted on said note and mortgage, and are indebted to the Plaintiff in the amount of \$545,025.00.
3. That the Plaintiff, pursuant to its powers as mortgagee and holder of said note, is entitled to take possession of said property, and enforce its interest therein by foreclosure.



Robert O. McNearney, III

Attorney for Plaintiff

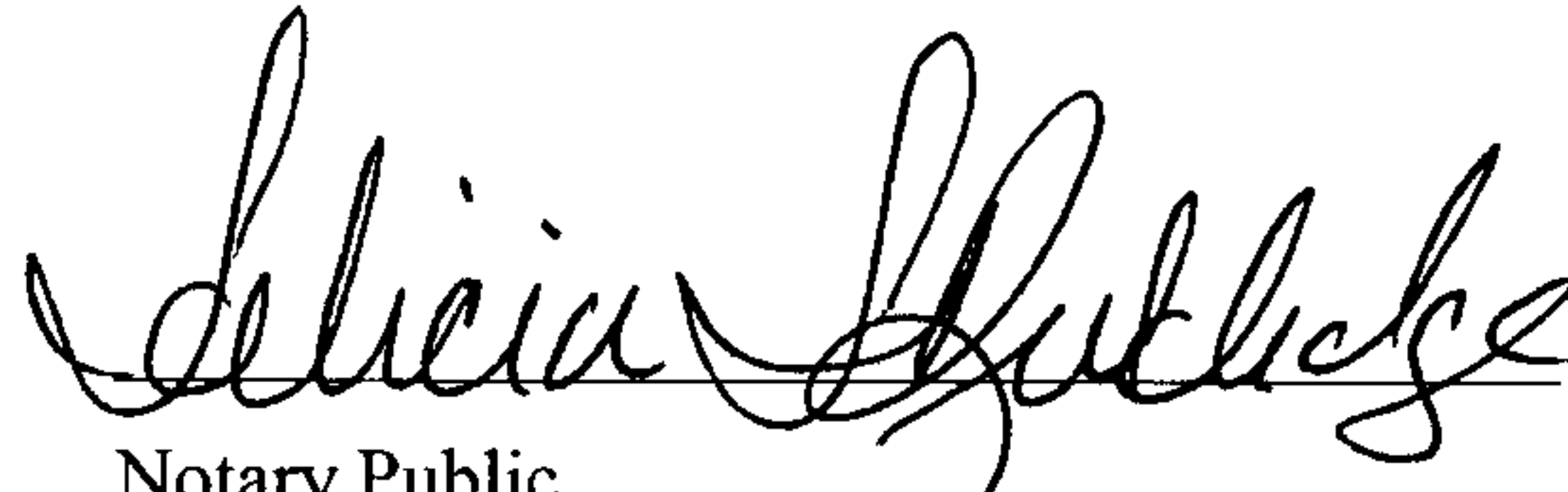


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Shelby Cnty Judge of Probate, AL
11/26/2008 10:12:43AM FILED/CERT

OF COUNSEL

Duell Law Firm, LLC
4320 Eagle Point Pkwy
Birmingham, AL 35242

Sworn to and subscribed before me this the 21st day of November, 2008.



Notary Public

[NOTARY SEAL]

My commission expires: 4-21-2010