

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JOSHCO, INC. DBA BUTLER
CONTRACTORS

Plaintiff,

v.

S&S DEVELOPMENT, LLC.;
MUTUAL SAVINGS CREDIT UNION
AKA MSCU HOLDINGS, INC.

Defendant(s)



20090403000123250 1/2 \$14.00
Shelby Cnty Judge of Probate, AL
04/03/2009 01:53:02PM FILED/CERT

CIVIL ACTION NO. CV 2009 900187

NOTICE OF LIS PENDENS

Comes now the undersigned, as Attorney for Joshco Inc. DBA Butler Contractors, the Plaintiff in the following described Civil Action and pursuant to Section 35-4-131 of the Code of Alabama, does hereby give notice of that certain Civil Action filed in the Circuit Court of Shelby County, Alabama styled:

S & S Development, LLC, Mutual Savings Credit Union AKA MSCU Holdings, Inc., Defendants, Civil Action Number CV 2009 900187, which is a lawsuit to enforce materialsman's and mechanic's liens filed on behalf of **JOSHCO INC. DBA BUTLER CONTRACTORS**, against the real estate known as **HAMPTON SQUARE 100**, Calera, Alabama, legally described as "SEE ATTACHED EXHIBIT A" and recorded in the Probate Office of Shelby County, Alabama owned by **S & S Development, LLC**, which said lien as recorded in the Probate Office of Shelby County, Alabama as Instrument 2009 0227000069920.

In the Civil Action, the Plaintiff, **JOSHCO INC. DBA BUTLER CONTRACTORS**, seeks to enforce a Lien against the subject real estate to recover **\$24,432.92** plus interest and attorney's fees owed by Defendants, **S & S Development, LLC, Mutual Savings Credit Union AKA MSCU Holdings, Inc.**, for sitework, grading, paving, curbing and related work and adjacent areas in the **HAMPTON SQUARE 100**, which lien, exclusive of attorney's fees and interest and costs of court, is in the total amount of \$24,432.92.

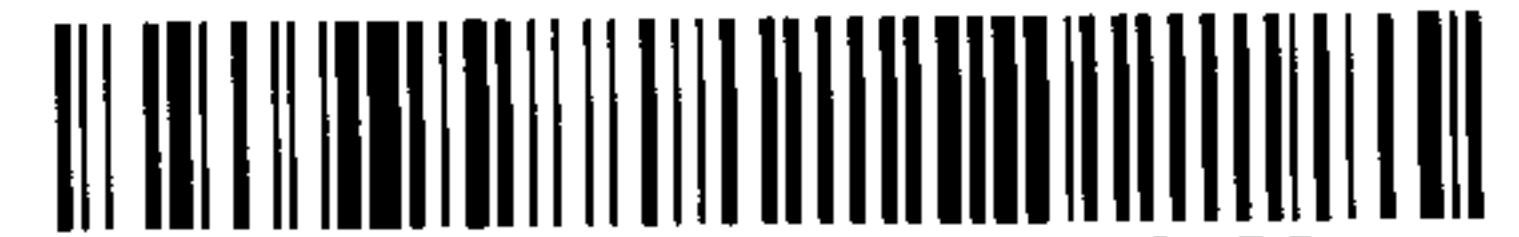
Executed: April 2, 2009.

Gregory A. Kennemer, PC., Attorney for
Joshco Inc. DBA Butler Contractors

Sworn to and subscribed before me this
2nd day of April, 2009

Notary Public

My Commission expires: 9/29/12



20090403000123250 2/2 \$14.00
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EXHIBIT "A"

A parcel of land situated in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 22 South, Range 2 West, City of Calera, Shelby County, Alabama, and being more particularly described as follows:

Commence at the NE corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of above said section, township, and range; thence South 00 degrees 00 minutes 00 seconds West, a distance of 333.69 feet to the POINT OF BEGINNING; thence South 00 degrees 11 minutes 38 seconds West, a distance of 333.48 feet; thence North 89 degrees 18 minutes 16 seconds East, a distance of 159.35 feet to a point on the westerly R.O.W. line of U.S. Highway #31; thence South 21 degrees 19 minutes 14 seconds East and along said R.O.W. line, a distance of 528.77 feet to a point; said point being the beginning of a non tangent curve to the right, having a radius of 1,382.65 feet, a central angle of 02 degrees 56 minutes 55 seconds and subtended by a chord which bears South 20 degrees 07 minutes 46 seconds East, and a chord distance of 71.15 feet; thence along the arc of said curve and said R.O.W. line, a distance of 71.16 feet; thence South 73 degrees 38 minutes 17 seconds West, and leaving said R.O.W. line, a distance of 392.79 feet; thence North 87 degrees 44 minutes 47 seconds West, a distance of 642.75 feet; thence North 01 degrees 00 minutes 50 seconds East, a distance of 968.14 feet; thence North 89 degrees 14 minutes 26 seconds East, a distance of 627.11 feet to the POINT OF BEGINNING.

According to the survey of Rodney Shiflett, dated December 28, 2004.

ALSO

A parcel of land located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 22 South, Range 2 West, Shelby County, Alabama, more particularly described as follows: Commence at the NE corner of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence in a southerly direction along the easterly line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ a distance of 333.69 feet; thence 0 degrees 03 minutes 01 seconds right in a southerly direction a distance of 333.53 feet to the Point of Beginning of herein described Five foot wide strip of land; thence continue along the last described course, a distance of 315.02 feet to the beginning of a curve to the left having a radius of 150.00 and a central angle of 22 degrees 06 minutes 25 seconds; thence left in a southeasterly direction along the arc of said curve a distance of 57.88 feet to the beginning of a curve to the left having a radius of 25.00 feet and central angle of 95 degrees 01 minutes 10 seconds; thence left in a southeasterly and northeasterly direction along the arc of said curve a distance of 41.46 feet to the end of said curve; thence 90 degrees left from the tangent of the last described curve in a northwesterly direction a distance of 5.00 feet to the beginning of a curve having a radius of 20.00 feet and a central angle of 95 degrees 01 minutes 10 seconds; thence 90 degrees left from the last described course to the tangent of said curve and run along the arc of said curve in a northwesterly direction a distance of 33.17 feet to the beginning of a curve to the right having a radius of 145.00 feet and a central angle of 22 degrees 06 minutes 25 seconds; thence in a northerly direction along said curve to the right an arc distance of 55.95 feet to the end of said curve; thence continue in a northerly direction along a line tangent from the last described curve a distance of 315.10 feet; thence 90 degrees 53 minutes 23 seconds left in a westerly direction a distance of 5.00 feet to the Point of Beginning.

LESS AND EXCEPT

A parcel of land located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 22 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

Commence at the Northeast corner of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; thence in a Southerly direction along the Easterly line of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 333.69 feet; thence 00 degrees 03 minutes 01 seconds right in a Southerly direction a distance of 333.53 feet to the point of beginning; thence continue along the last described course, a distance of 315.02 feet to the beginning of a curve to the left having a radius of 150.00 feet and a central angle of 22 degrees 06 minutes 25 seconds; thence left in a Southeasterly direction along the arc of said curve a distance of 57.88 feet to the beginning of a curve to the left having a radius of 25.00 feet and central angle of 95 degrees 01 minutes 10 seconds; thence left in a Southeasterly and Northeasterly direction along the arc of said curve a distance of 41.46 feet to the beginning of a curve to the right having a radius of 137.50 feet and a central angle of 10 degrees 42 minutes 14 seconds; thence right in a Northeasterly direction along the arc of said curve a distance of 25.60 feet to the end of said curve; thence continue in a Northeasterly direction along a line tangent from said curve a distance of 222.22 feet to a point on the Southwesterly ROW line of U.S. Highway Number 31; thence an interior angle to the right from the last described course of 88 degrees 16 minutes 59 seconds in a Northwesterly direction and along said Southwesterly Right-of-Way line a distance of 323.92 feet; thence an interior angle to the right from the last described course of 110 degrees 37 minutes 30 seconds in a Westerly direction a distance of 159.35 feet to the point of beginning.