

# **SUPPLEMENTAL NOTICE OF LIS PENDENS**

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

**CITY OF HELENA, ALABAMA**, a  
municipal corporation and municipal  
political subdivision of the State of Alabama,

Plaintiff,

v.

**CASE NO. PR-2010-000116**

**PATRICIA ANN POWELL PRAYTOR;  
TERRY OWEN POWELL; JOSEPH S.  
POWELL, JR.; DONALD ARMSTRONG**  
in his official capacity as Property Tax  
Commissioner of Shelby County, Alabama;  
**DAVID BENNETT POWELL; JOSEPH  
SQUIRE POWELL, III; BENJAMIN  
SCOTT POWELL; A, B, C, D, E, F, and G,**  
the owners of the real property described in  
the complaint herein, all of whose names are  
otherwise unknown, but whose true names  
will be added by amendment when  
ascertained,


Defendants.

**TO THE HON. JAMES W. FUHRMEISTER, JUDGE OF PROBATE OF SHELBY COUNTY,  
ALABAMA:**

Pursuant to the provisions of Section 18-1A-75, Code of Alabama, 1975, as amended, the  
Plaintiff, City of Helena, Alabama, hereby files its Supplemental Notice of Lis Pendens and provides  
notice as follows:

Comes now the City of Helena, Alabama, a municipal corporation and municipal political  
subdivision of the State of Alabama, by its attorney, and files herewith notice to all persons  
concerned that on the 24<sup>th</sup> day of February, 2010, condemnation proceedings were commenced in  
the Probate Court of Shelby County, Alabama, whereby said City of Helena, Alabama, a municipal  
corporation, seeks to obtain certain easements to real property and public rights of way and other  
rights, and said proceedings are now pending in said Court.

The name of the property owner(s) concerned, together with the property sought to be  
condemned, is as set forth below:

  
20101005000330300 1/7 \$30.00  
Shelby Cnty Judge of Probate, AL  
10/05/2010 03:28:13 PM FILED/CERT

Property Owner(s): Patricia Ann Powell Praytor, Terry Owen Powell, Joseph S. Powell, Jr., Donald Armstrong, in his official capacity as Property Tax Commissioner of Shelby County, Alabama, David Bennett Powell, Joseph Squire Powell, III, and Benjamin Scott Powell.

Property described as Parcels 1, 2, and 6 on Exhibit "A" attached hereto and made part and parcel hereof as fully as if set out herein, said Exhibit "A" consisting of five pages.

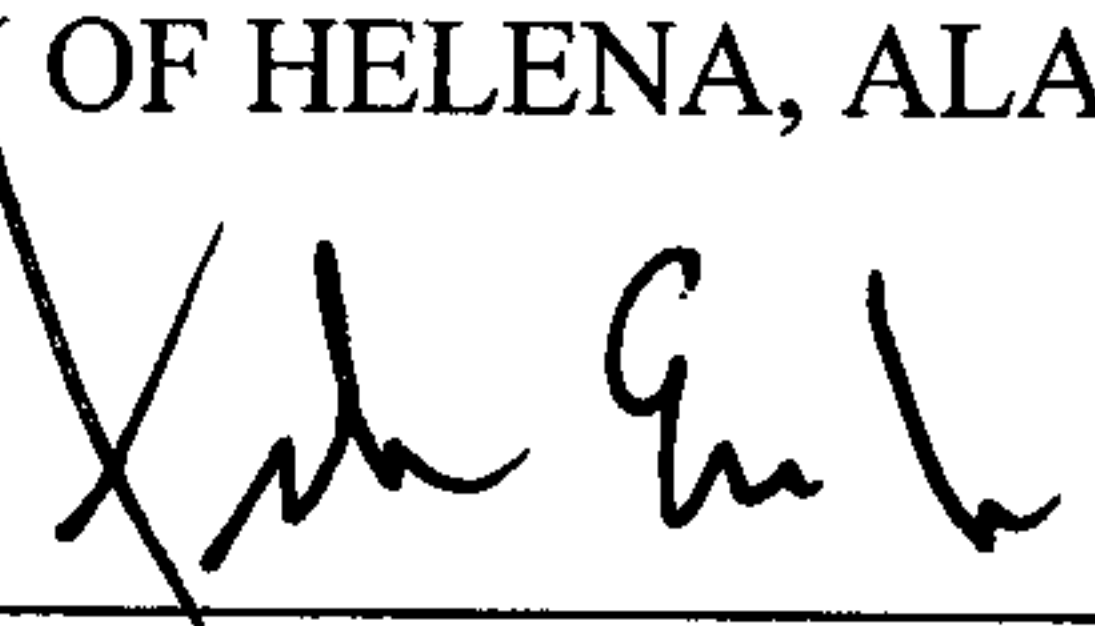
Description of above property is taken from right of way map of said project on file in the Office of the Probate Judge of Shelby County, Alabama, and on file in the Office of the City Clerk of the City of Helena at City Hall, 816 Highway 52 East, Helena, Alabama 35080.

The title of the action and the case number thereof are as hereinabove designated.

Heretofore and subsequent to the filing of the above action, the Defendant Joseph S. Powell, Jr., died on September 13, 2010, and is survived by David Bennett Powell, Joseph Squire Powell, III, and Benjamin Scott Powell, who are his sole heirs; that, heretofore, Plaintiff City of Helena, Alabama, has added as additional parties the following as parties defendant: David Bennett Powell, Joseph Squire Powell, III, and Benjamin Scott Powell.

CITY OF HELENA, ALABAMA,

By

  
Attorney for said Plaintiff

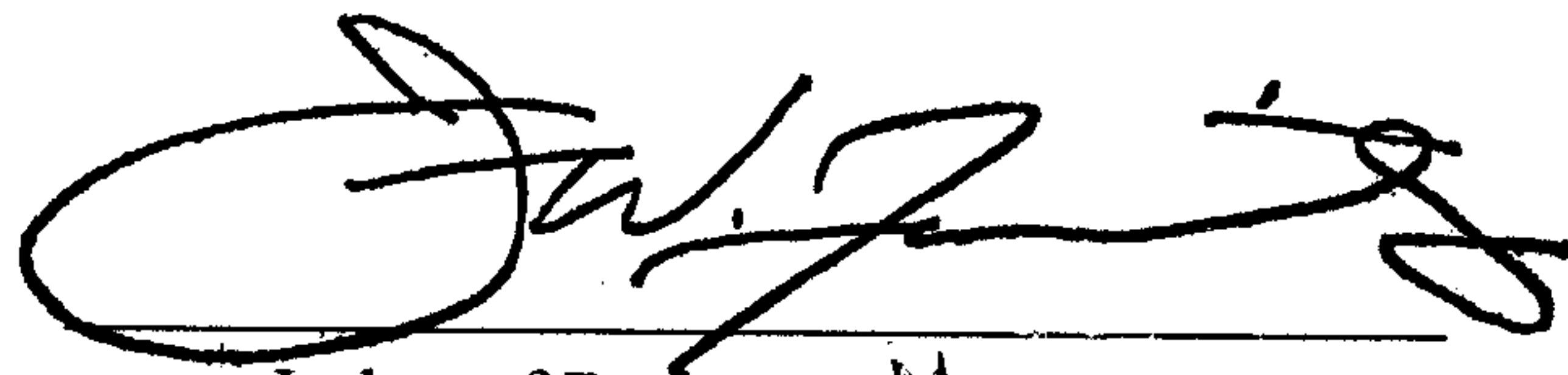
STATE OF ALABAMA  
SHELBY COUNTY

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

I hereby certify that the within Supplemental Notice of Lis Pendens was filed in this office for record on the 5<sup>th</sup> day of October, 2010, at \_\_\_\_\_ o'clock \_\_\_\_ .m. and duly recorded as Instrument No. \_\_\_\_\_, and examined.



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Shelby Cnty Judge of Probate, AL  
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Judge of Probate JM





Parcel 1

Lot 1A, Lot 1B and part of Lot 1, Block 13, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), and being more particularly described as follows:

Begin at the SW corner of the NW  $\frac{1}{4}$  of Section 15, Township 20 South, Range 3 West, Shelby County, Alabama; thence run Easterly 200.97' to a point on the Westerly right of way of Fourth Street; thence turn an interior angle to the right of 105°06'30" and run along said right of way 99.12'; thence turn an interior angle to the right of 188°57'18" and continue along said right of way 287.13' to a point on the Southerly right of way of Railroad Avenue, said point being on the Southerly bank of Buck Creek; thence run Southwesterly along Buck Creek 355.09' more or less to a point on the West line of Section 15; thence run South along said Section line 308.70' to the Point of Beginning. Said parcel containing 2.01 acres, more or less.

Parcel 2

A part of Block 12, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), and being more particularly described as follows:

Begin at the NW corner of Block 12, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), said point being on the Southerly right of way of Railroad Avenue; thence run Southeasterly along said right of way 99.99'; thence turn an interior angle to the left of 180°56'35" and continue along said right of way 50.02' to a point on the Westerly right of way of Third Street; thence turn an interior angle to the left of 103°35'43" and run along said right of way 170.28'; thence turn an interior angle to the left of 121°37'04" and run 170.52'; thence turn an interior angle to the left of 146°56'59" and run 6.67'; thence turn an interior angle to the right of 178°52'23" and run 12.44'; thence turn an interior angle to the left of 90°00'00" and run 30.00'; thence turn an interior angle to the right of 91°07'13" and run 108.00' to a point on the Easterly right of way of Fourth Street; thence turn an interior angle to the left of 65°45'05" and run along said right of way 292.49' to the Point of Beginning. Said parcel containing 1.18 acres, more or less.

Parcel 3

Lot 1, Lot 2, Lot 3 and the North half of Lot 4, Block 7, according to Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121). Said parcel containing 0.62 acres, more or less.

Parcel 4

Lot 1A, Block 7, according to Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121). Said parcel containing 924.26 square feet, more or less.

Parcel 5

A part of Lot 1, Block 6, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), and being more particularly described as follows:

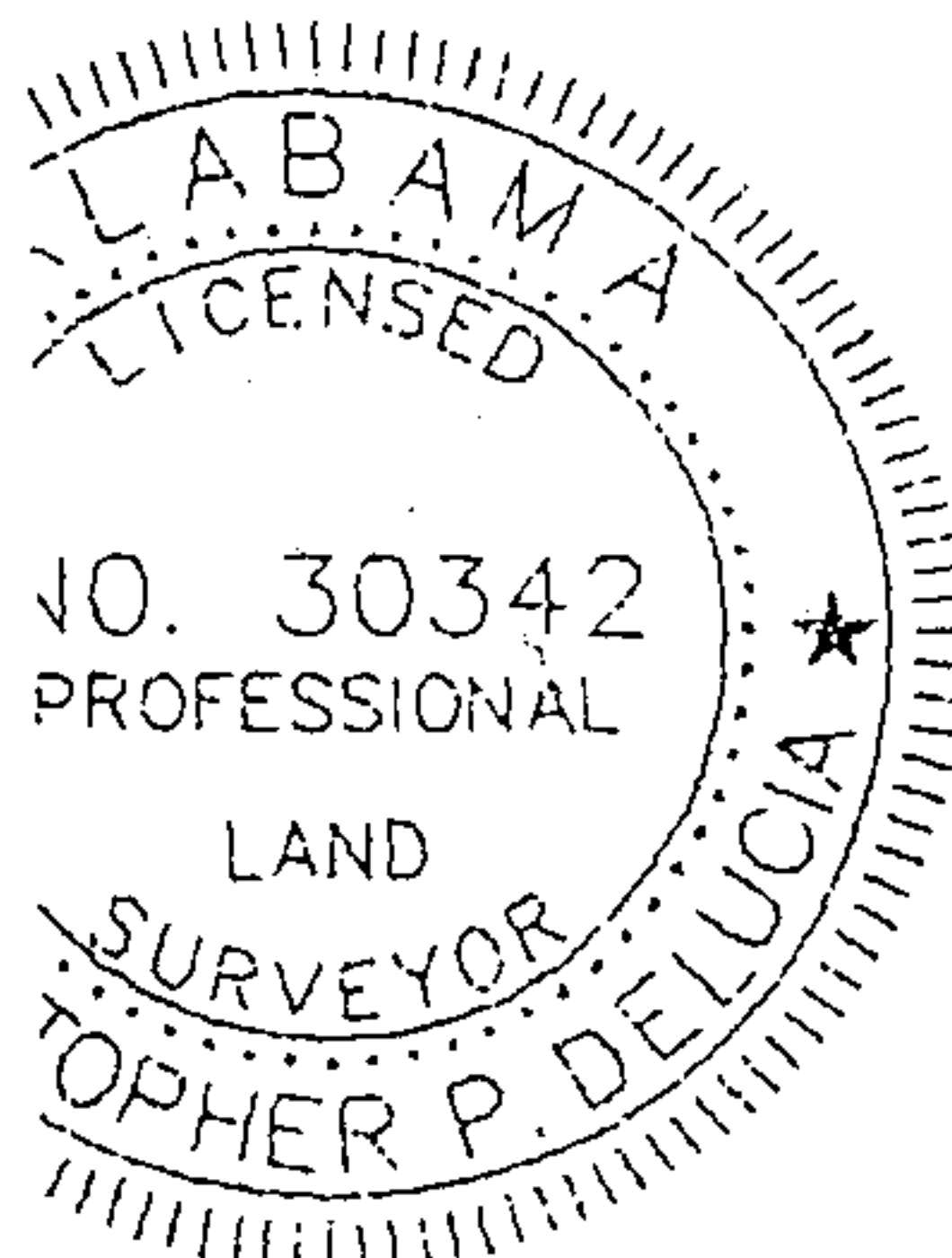
Begin at the NW corner of Lot 1, Block 6, Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121), said point being on the Southerly right of way of Railroad Avenue; thence run Southeasterly along said right of way 137.00'; thence turn an interior angle to the left of 90°00'00" and run 50.00'; thence turn an interior angle to the left of 90°00'00" and run 106.48' to a point on the Easterly right of way of Branch Alley; thence turn an interior angle to the left of 121°24'03" and run along said right of way 58.58' to the Point of Beginning.

Said parcel containing 0.14 acres, more or less.

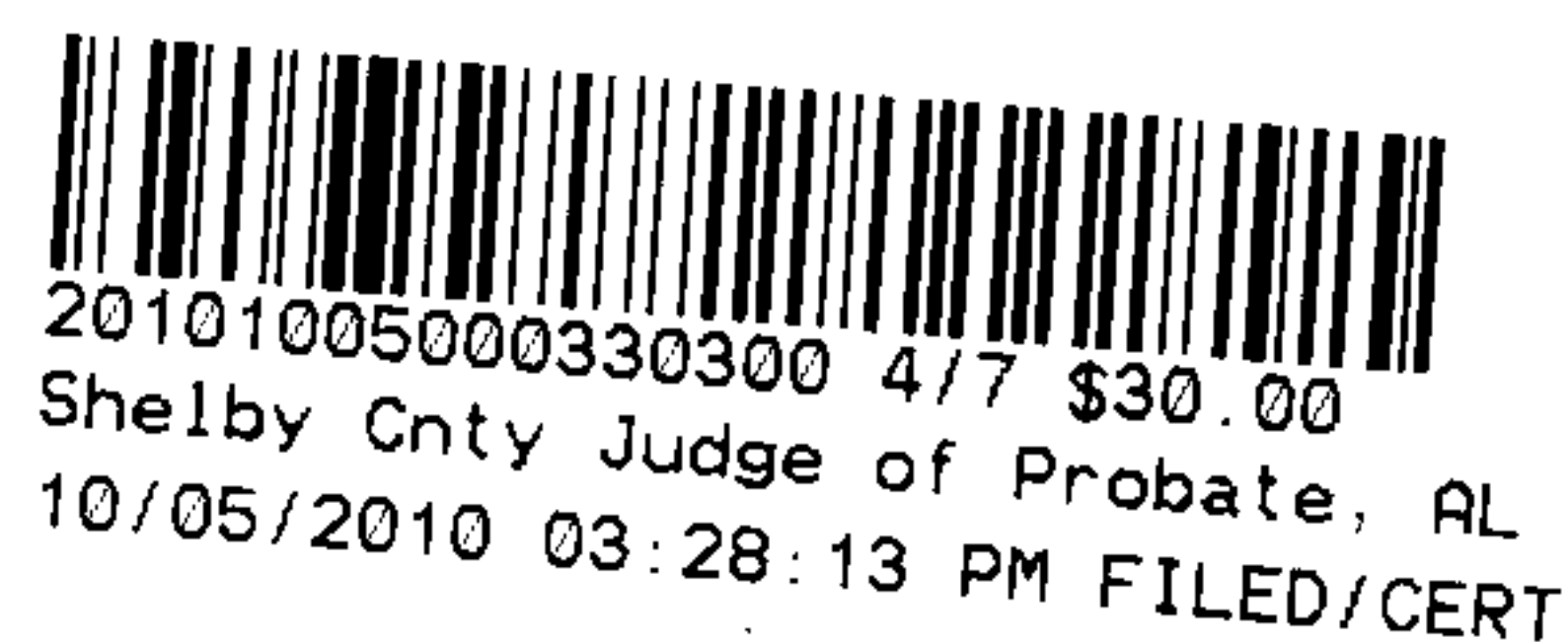
Parcel 6

Lot 6, Block 18, according to Squire's Map of Helena, as recorded in the Office of the Judge of Probate, Shelby County, Alabama (MB 3, PG 121). Said parcel containing 1,419.23 square feet, more or less.

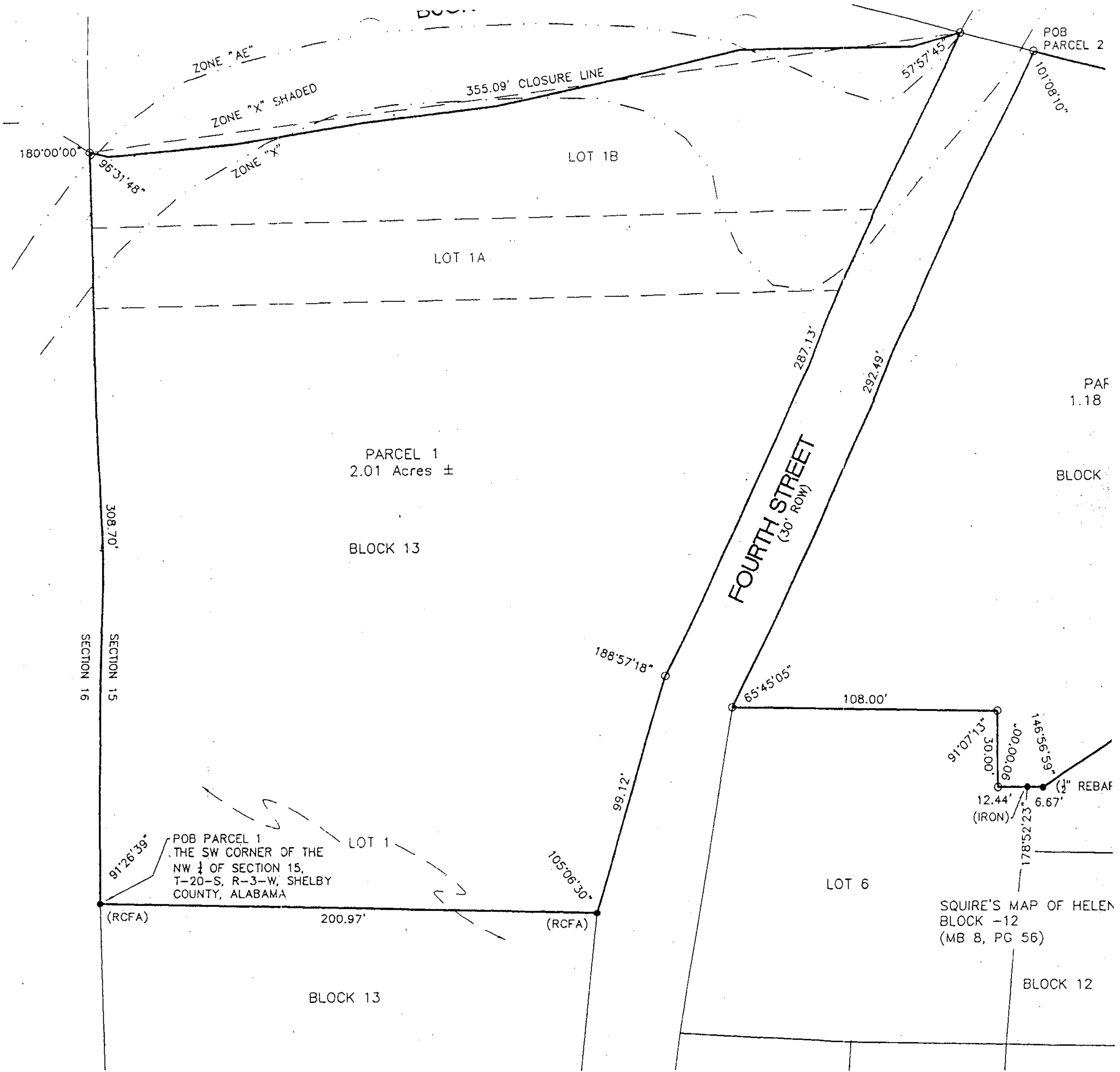
I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for surveying in the State of Alabama, to the best of my knowledge, information and belief.



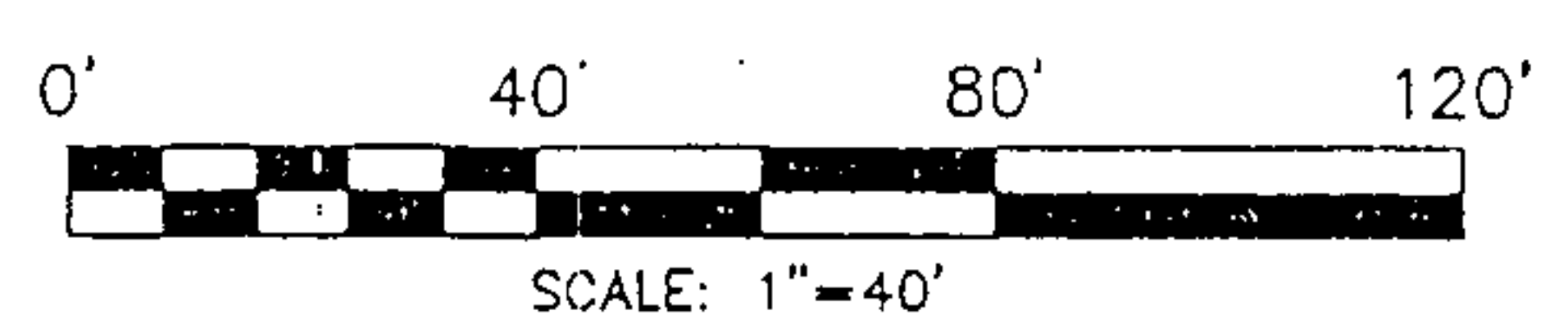
Christopher P. DeLucia Date 12-20-2009  
Christopher P. DeLucia, PLS  
AL Reg. No. 30342







LEGEND	
● - IRON PIN FOUND	CONCRETE.
○ - 1/2" REBAR SET WITH CAP STAMPED.	(M) - MEASURED
▲ - CALCULATED POINT	(R) - RECORDED
⊕ - UTILITY POLE.	— NOT TO SCALE.
ROW - RIGHT OF WAY.	AC. - ACRES.
—OP— - OVERHEAD UTILITY LINE(S).	C/L - CENTERLINE
—+— - FENCE	MB - MAP BOOK
—G— - GAS LINE	PG - PAGE
	POC - POINT OF COMMENCEMENT
	POB - POINT OF BEGINNING



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