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Shelby Cnty Judge of Probate, AL
05/08/2012 03:55:45 PM FILED/CERT

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

COMPASS BANK,

Plaintiff,

v.

**CHERYL DENISE JOHNSON;
BILLY SHAW d/b/a
BAMA BUILDING CRAFTS, et al.**

Defendants.

CIVIL ACTION NO.:

CV-2012-900256

NOTICE OF LIS PENDENS

Notice is hereby given that Compass Bank ("Plaintiff"), commenced a civil action against Cheryl Denise Johnson and Billy Shaw d/b/a Bama Building Crafts ("Defendants"), on the 19th day of March, 2012, in which Plaintiff seeks to reform and judicially foreclose certain mortgages granted it and further claim superior rights, title, and interest in and to the following described property:

Commence at the NW corner of Section 3, Township 22 South, Range 1 East; thence run Southerly along the West line of said Section a distance of 466.69 feet to a point; thence turn an angle to the left of 88°18'53" and run 79.61 feet to a point on the Easterly right of way of Shelby County Highway #77, said point being the NW corner of Parcel #1, according to the survey of Jack Johnson Estates, as recorded in Map Book 14, page 61, in the Probate Office of Shelby County, Alabama; thence turn an angle of 83°09'22" to the right and run in a Southeasterly direction along the Easterly right of way of Shelby County Highway #77, and along the West line of said Parcel #1, a distance of 661.82 feet to the SW corner of said Parcel #1, said point being the point of beginning of the property described herein; thence turn an angle of 84°35'38" to the left and run along the South line of said parcel #1, a distance of 583.30 feet to the Northwest corner of Parcel #4, according to said survey of Jack Johnson Estates; thence turn an angle of 89°56'56" right and run in a Southerly direction along the West line of Parcels #4 and #3, a distance of 470.44 feet to a point on the West line of said Parcel #3, of Jack Johnson Estates; thence turn an angle of 44°11'22" right and run along the Northwest line of said parcel #3, a distance of 623.16 feet to the Westernmost corner of said Parcel #3, said point being on the right of way of a prescriptive road; then turn an angle of 96°53'41" to the right and run along said right of way a distance of 80 feet to a point; thence turn an angle of 5°46'25" right and continue along said right of way a distance of 125.43 feet to a point on the East right of way of Shelby County Highway

#77; thence turn an angle to the right of 42°14'37" right and run along said right of way a distance of 178.24 feet to a point; thence turn an angle of 15°23'30" to the left and continue along said right of way a distance of 272.0 feet to a point; thence turn an angle of 0°56'07" right and continue along said right of way a distance of 305.32 feet to the point of beginning.

Being the same property designated as Parcel #2 (not included), on the survey of Jack Johnson Estates, as recorded in Map Book 14, Page 61, in the Probate Office of Shelby County, Alabama.

Less and except any portion of subject property lying within a road right of way.

On November 16, 2007, defendant Cheryl Johnson granted to Compass Bank two (2) mortgages on said real property located in Shelby County, Alabama, with the address of said real property described as 1800 Highway 77 South, Columbiana, Alabama 35051. Said mortgages were recorded with the Office of the Judge of Probate of Shelby County, Alabama at Instrument Numbers 20071205000550640 and 20071205000550650. As a result of a mutual mistake of fact of the parties, said mortgages contain an erroneous legal description of the real property intended to be encumbered and further encumber additional parcels of real estate which do not constitute the Property.

Compass further seeks to establish clear title in the Property in the name of Cheryl Johnson at the time of the execution of the mortgages. Title of record remains vested in Beatrice E. Johnson, who was Cheryl Johnson's mother. Said title passed to Cheryl Johnson via the Last Will and Testament of Beatrice E. Johnson, who died March 4, 2006, as the sole surviving heir of Beatrice Johnson.

Subsequent to the granting of the Mortgages in favor of Compass by Cheryl Johnson, on September 7, 2010 a Verified Statement of Lien was filed with the Probate Office of Shelby County, Alabama at Instrument Number 20100907000287460 by defendant Billy


Shaw d/b/a Bama Building Crafts, purporting to claim a material lien against the Property.

Shaw also filed a Lis Pendens on November 29, 2010 at Instrument Number 20101129000398090.

Dated this the 8th day of May, 2012.



J. Todd Miner
Attorney for Plaintiff Compass Bank


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