

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

M & F Bank,

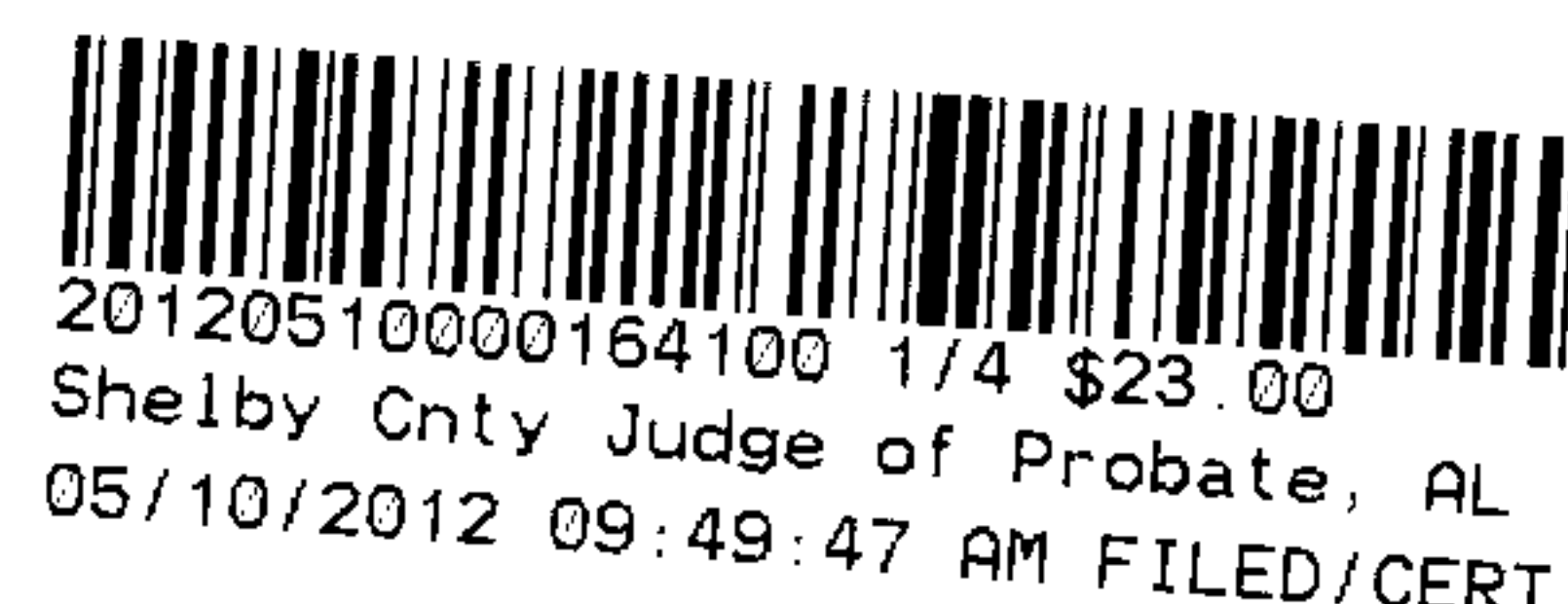
Plaintiff,

vs.

MITCHELL A. SPEARS,  
CENTRAL STATE BANK, WILLIAM  
B. CASHION, and WESTERN  
PROPERTIES, L.L.C.

Defendants.

CASE NO. 58-CV-2011-000082.00



**AMENDED NOTICE OF LIS PENDENS**

COMES NOW, Burt Newsome of the law firm Newsome Law, LLC and amends its Notice of Lis Pendens recorded in Instrument Number 20120412000126940 and hereby gives notice that M & F Bank commenced a civil action Circuit Court Case No. CV-2011-000082.00 in which M & F Bank claims a right, title, interest or claim in and to the subject property as set out in Exhibit "A" attached and files this Notice of Lis Pendens pursuant to Alabama Code § 35-4-131 (1975).

1. The Plaintiff is M & F Bank.
2. The real estate that is the subject matter of this action is attached hereto and incorporated herein as Exhibit "A".
3. In the aforesaid civil action, M & F Bank alleges, among other things, the following:

M & F Bank had a contract with Central State Bank to have an easement granted to M & F Bank on the property that is the subject of this action [See attached Exhibit "B"] prior to Central State Bank conveying the subject property to William B. Cashion. Central State Bank sold the subject property to William B. Cashion without honoring its agreement with M & F Bank to grant said easement even though Central State Bank had already received substantial consideration for said easement. Prior to purchasing the property from Central State Bank, William B. Cashion had knowledge of and was aware of the easement agreement between M&F Bank and Central State Bank and was aware prior to closing that an easement was supposed to have been less and excepted from the deed to the property conveyed to him by Central State Bank. William B. Cashion

then conveyed the property to his company Western Properties, L.L.C. M & F Bank hereby claims an easement on the subject property.

M & F Bank

By: Burt Newsome  
Burt Newsome, Its Attorney

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public in and for County and in said State, hereby certify that Burt Newsome, whose name as Attorney for M & F Bank is signed to the foregoing instrument and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 9<sup>th</sup> day of May, 2012.

Ashley Partridge  
Notary Public

My Commission Expires Aug 24, 2015  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Aug 24, 2015  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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## Exhibit "A"

### PARCEL I:

A part of the Southwest Quarter of the Northwest Quarter, Southeast Quarter of the Northwest Quarter, Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, Section 21, Township 21 South, Range 3 West:

Commence at the Northwest corner of Section 21, Township 21 South, Range 3 West, Shelby County, Alabama and run thence Easterly along the North line of said Section 21 a distance of 875.09 feet to a point on the West right of way line of Shelby County Road No. 17; thence turn 77 degrees 03 minutes 56 seconds right and run along said right of way line a distance of 2,558.32 feet to the point of beginning of the property being described; thence continue along last described course a distance of 268.00 feet to a point marked by steel pin; thence turn 101 degrees 01 minutes 46 seconds to the right and run Westerly a distance of 210.00 feet to a point marked by a steel point; thence turn 78 degrees 58 minutes 14 seconds right and run a distance of 168.00 feet to a point marked by a steel pin; thence turn 73 degrees 48 minutes 54 seconds right and run a distance of 214.63 feet to the point of beginning.

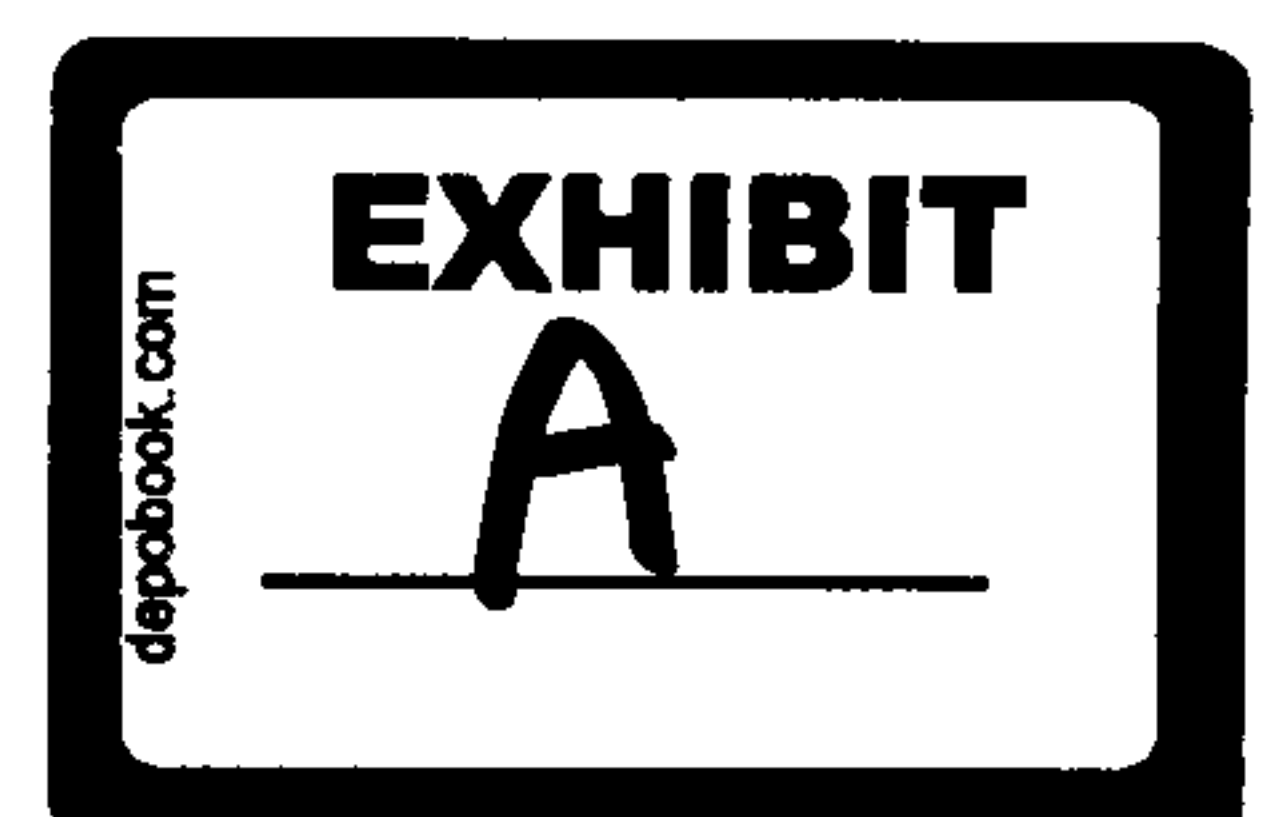
### PARCEL II:

A parcel of land situated in the South  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the North  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 21, Township 21 South, Range 3 West, Shelby County, Alabama, described as follows:

Commence at the intersection of the South line of the South  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the North  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 21, Township 21 South, Range 3 West and the West right of way of Shelby County Highway No. 17; thence run North along the West right of way for a distance of 258.00 feet to the point of beginning; thence turn an angle to the left of 79 degrees 13 minutes 08 seconds and run West for a distance of 189.87 feet; thence turn an angle to the left of 95 degrees 07 minutes 08 seconds and run South for a distance of 196.91 feet; thence turn an angle to the left of 112 degrees 00 minutes 57 seconds and run Northeast for a distance of 214.63 feet to a point on the West right of way of Shelby County Highway No. 17; thence turn an angle to the left of 73 degrees 38 minutes 47 seconds and run North along the said West right of way for a distance of 100.00 feet to the point of beginning; being situated in Shelby County, Alabama.

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**Agreement Between Trophy Development, LLC, Jason Spinks,  
William Griffin, Central State Bank and M & F Bank**

Trophy Development, LLC and Central State Bank agree to grant unto M & F Bank an access easement equal to and necessary for use across main entrance point at intersection of Hwy 17 and Hwy 12 as shown on the master plan to Buckhaven Phase I;

Trophy Development, LLC agrees to grant unto M & F Bank an access easement across secondary entrance required by City of Alabaster as shown on the master plan to Buckhaven Phase I granting access to property boundary of 480 acre parcel in rear;

Central State Bank agrees to accept \$450,000 from Trophy Development in order to subordinate its 1<sup>st</sup> position mortgage on the front 97 acres to M & F Bank.

**TROPHY DEVELOPMENT, LLC**

By: 

Its: Member

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**M & F BANK**

By: 

Its: VP

**CENTRAL STATE BANK**

By: 

Its: Service Vice President

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Sworn to and subscribed before me this the 9<sup>th</sup> day of March, 2009.

  
Notary Public

My commission expires: \_\_\_\_\_

My Commission Expires Aug 13, 2011

debook.com

**EXHIBIT**

**B**