

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

COMPASS BANK,

Plaintiff,

v.

**GARY D. BARNETT;
VICKIE D. BARNETT;
WILLIAM SIMRIL; et al.,**

Defendants.

CIVIL ACTION NO.:

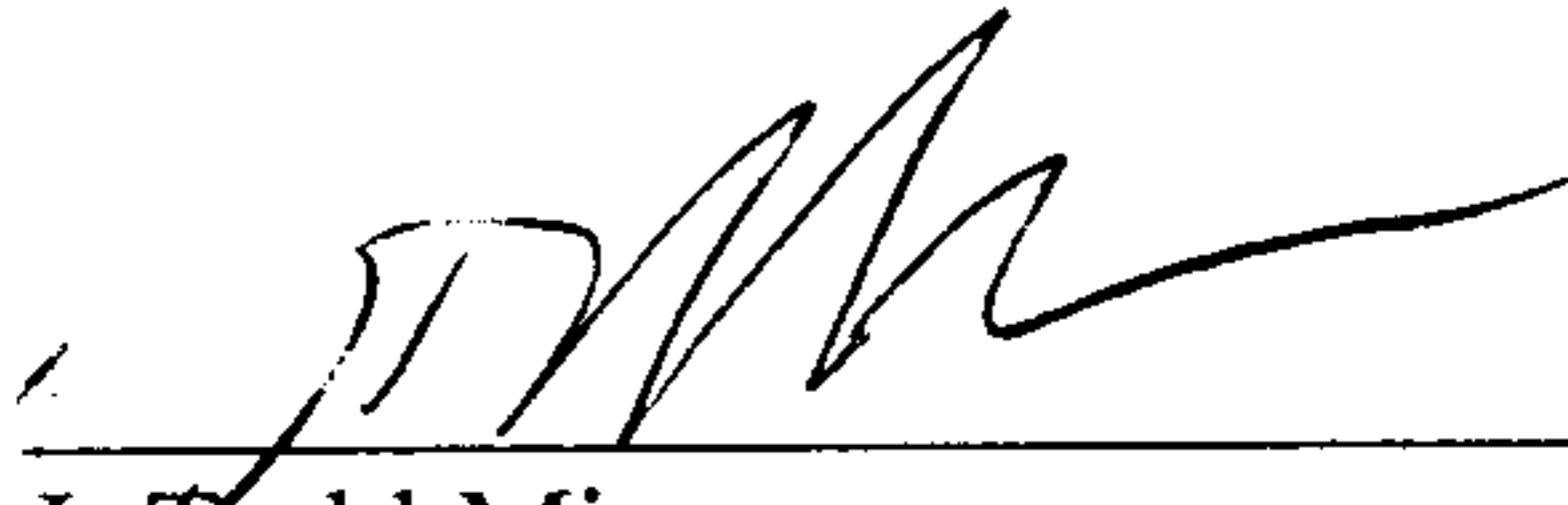
CV-2013-900910

NOTICE OF LIS PENDENS

Notice is hereby given that Compass Bank ("Compass"), commenced a civil action on the 14th day of August, 2013, against Gary D. Barnett and Vickie D. Barnett (the "Barnetts"), and William Simril, in which Compass seeks to reform and judicially foreclose that certain mortgage, as modified, granted to it by Barnetts against the real property more particularly described in Exhibit A hereto and further claim rights, title, and interest in and to all or a portion of the property more particularly described in Exhibit B attached hereto. On March 8, 2006, as security for indebtedness owed to Compass, the Barnetts granted a Mortgage to Compass on certain real property located in Shelby County, Alabama, with the address of said real property described as 3117 Highway 83, Vincent, Alabama 35178 (the "Property"). The Mortgage was recorded with the Office of the Judge of Probate of Shelby County, Alabama at Instrument Number 20060330000147430, and later modified by a Modification of Mortgage recorded with said Probate Office at Instrument Number 20070717000333700. On November 10, 2010, Compass recorded a Release of Lien which released from the Mortgage, as modified, the property identified as Parcel 2 on Exhibit A. Scrivener's affidavits addressing the Mortgage and Modification of Mortgage were also recorded with said Probate Office at Instrument Numbers 20110902000259910 and 20110902000259920. On October

5, 2010, defendant William Simril recorded with the Judge of Probate of Shelby County, Alabama a Certificate of Judgment reflecting judgment entered in his favor by the Circuit Court of Shelby County in civil action no. CV-2010-90040 in the amount of \$111,429.35. Said Certificate of Judgment is recorded with said Probate Office at Instrument Number 20101005000330150.

The Barnetts constructed a residence on the mortgaged property, but, upon information and belief, a portion of the residence and related physical improvements encroach upon the adjacent property identified as Parcel 2 , also owned by the Barnetts. As a result, the Mortgage, as modified, erroneously fails to adequately describe the real estate and improvements intended by the parties to be encumbered.



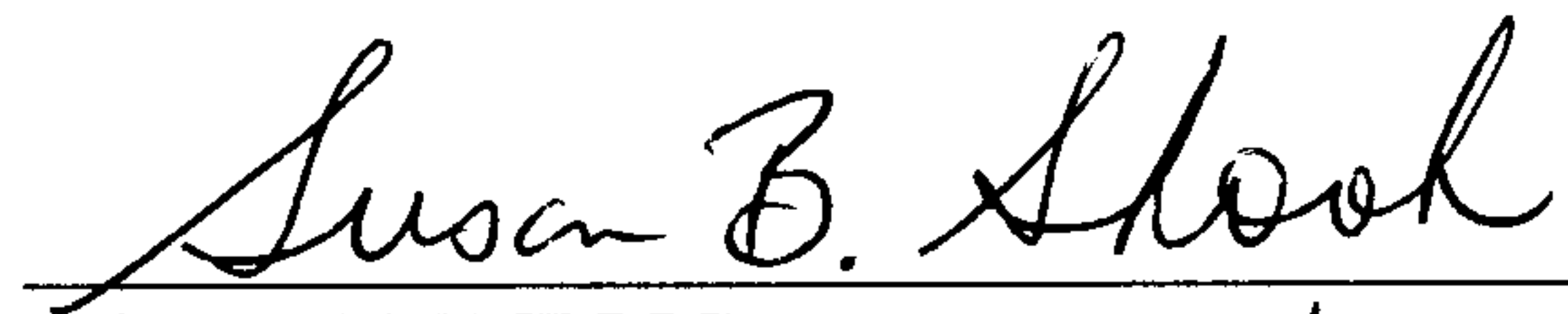
J. Todd Miner
Attorney for Plaintiff Compass Bank
NAJJAR DENABURG, P.C.
2125 Morris Avenue
Birmingham, Alabama 35203
Tel (205) 250-8400
tminer@najjar.com

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J. Todd Miner, whose name as attorney for Compass Bank is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 4th day of December, 2013.



NOTARY PUBLIC
My commission expires: 1/28/14


20131205000471370 2/4 \$28.00
Shelby Cnty Judge of Probate, AL
12/05/2013 10:57:44 AM FILED/CERT

EXHIBIT "A"

Tract 5-A: A Resurvey of Part of Lot 5 Shelby Estates, and also being a part of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Township 19 South, Range 2 East and a part of NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 16, Township 19 South, Range 2 East, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northwest corner of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Township 19 South, Range 2 East, thence run South along the West line thereof a distance of 92.26 feet; thence turn left $84^{\circ} 26'$ and run Southeasterly a distance of 1100.00 feet to the point of beginning of the property described herein; thence continue along the last described course a distance of 300.00 feet; thence turn right $84^{\circ} 26'$ and run South a distance of 742.59 feet to the Northerly right of way line of County Road No. 83; thence turn right and run northwesterly along said right of way line a distance of 320 feet, more or less, thence turn right and run Northerly a distance of 646.62 feet to the point of beginning.

The above described property is one and the same as property conveyed to Gary D. Barnett and Vickie D. Barnett in Warranty Deeds recorded in Volume 357, Page 597 and Real 9, Page 782, in the Probate Office of Shelby County, Alabama.

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

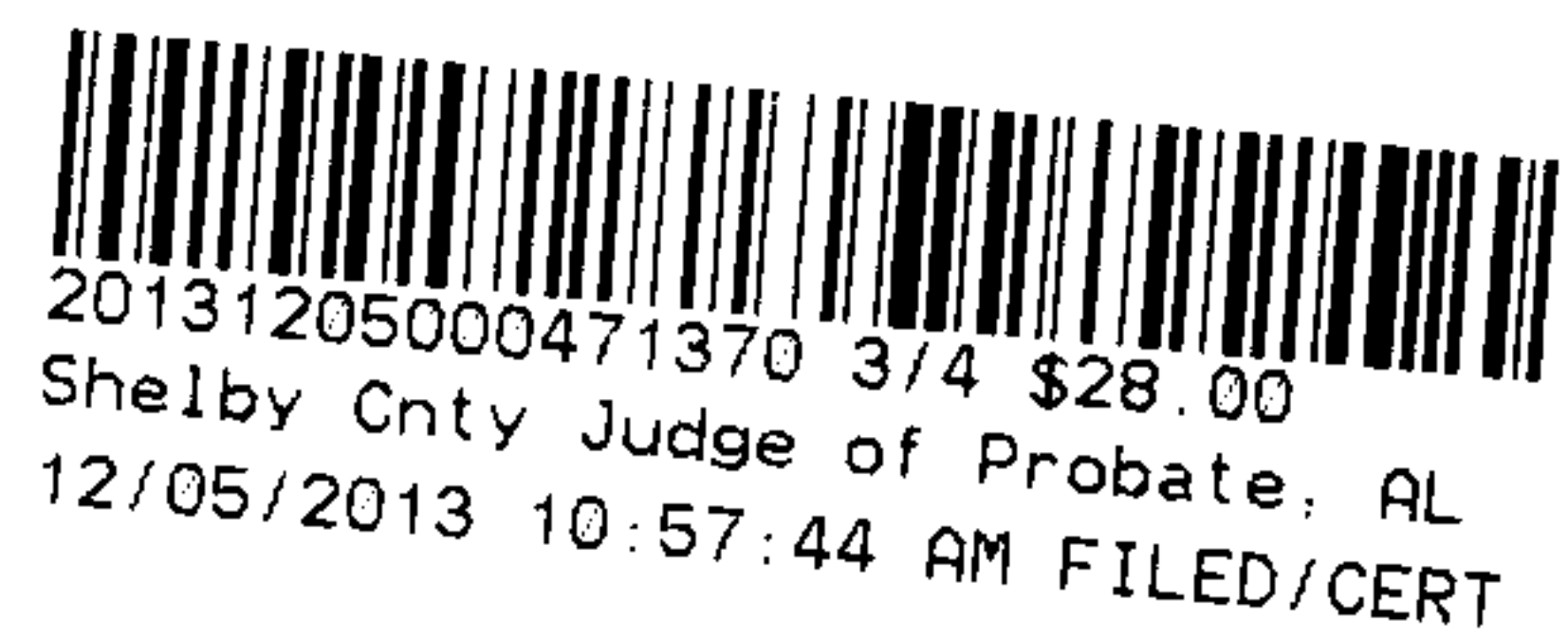


EXHIBIT "B"

A Resurvey of Lot 4, and part of Lot 5, of Shelby Estates, and also being a part of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Township 19 South, Range 2 East, and a part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Township 19 South, Range 2 East, all being in Shelby County, Alabama being more particularly described as follows:

Commence at the Northwest Corner of the South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Township 19 South, Range 2 East; thence run South along the West line thereof a distance of 92.26 feet; thence turn left 83 deg. 26 min. and run Southeasterly a distance of 800 feet to the point of beginning of the property herein described; thence continue along the last described course a distance of 300.00 feet; thence turn right 84 deg. 20 min. 20 sec. and run South a distance of 646.62 feet to the Northerly right of way of County Road No. 83; thence turn right and run Northwesterly along said right of way line a distance of 320 feet, more or less; thence turn right and run Northerly a distance of 606.49 feet to the point of beginning, being situated in Shelby County, Alabama.

The above described property is one and the same as property conveyed to Gary Barnett and Vickie D. Barnett in Warranty Deed recorded in Shelby Real 47, Page 97 in the Probate Office of Shelby County, Alabama.


20131205000471370 4/4 \$28.00
Shelby Cnty Judge of Probate, AL
12/05/2013 10:57:44 AM FILED/CERT