

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

Black Warrior Minerals, Inc., ) Civil Action No.: CV 12-900431  
Plaintiff, )  
vs. )  
Katherine Dearing, as Personal Representative of the Estate of John C. Fay, Jr.; John C. Fay; Jr.,  
John C. Fay, Jr., as Trustee of the John Charles Fay, Jr. Trust Amended and Restated Dated the  
31<sup>st</sup> Day of October, 2008 (A Revocable Living Trust and Successor to the Trust Dated  
September 15, 2005); Mary Margaret Fay, as Trustee of the John Charles Fay, Jr. Irrevocable  
Trust as Amended January 10, 2011; Jcf Chelsea Properties, LLC; and Sandra Fay,  
Defendants, )  
vs. )  
Ken Wall; KWP, LLC; Benita Y. Fay, )  
Intervenors. )

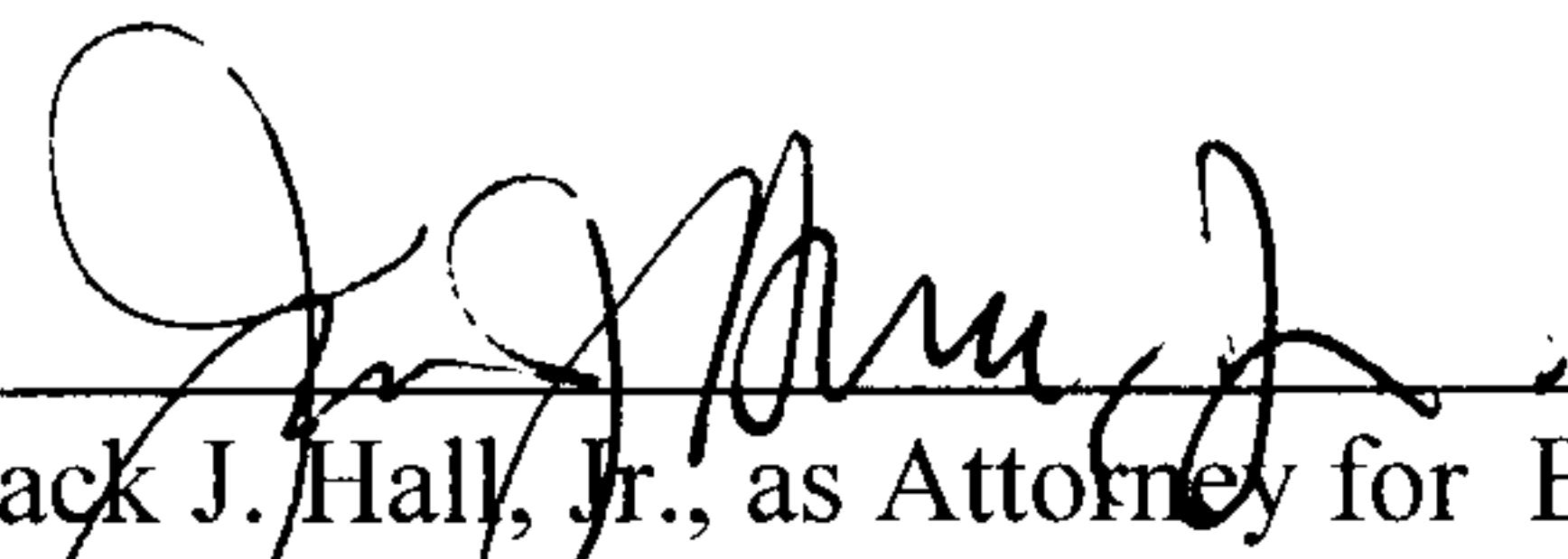
## **LIS PENDENS NOTICE**

You are hereby notified, pursuant to Alabama Code §35-4-131(a), that on the 8<sup>th</sup> day of May, 2012, suit was begun by Black Warrior Minerals, Inc., in the Circuit Court of Shelby County, Alabama, Case Number CV 2012-900431. The filer of this Lie Pendens Notice, Benita Y. Fay, intervened in said suit. The style is listed above.

In said suit the following described real estate situated in Shelby County, Alabama is involved, to wit:

**624 Bear Creek Road, Sterett, Alabama. Legal Description is attached hereto as “Exhibit A.”**

Plaintiff Black Warrior Minerals, Inc.'s suit as above stated is to quiet title to the above described real estate. **The filer of this Lis Pendens Notice, Benita Y. Fay, intervened in said suit as a party holding 1) an unsatisfied judgment against the Estate of John C. Fay, Jr., 2) an unliquidated claim against the estate, and 3) an interest in the disposition of the property of the estate of John C. Fay, Jr. (and/or his putative trusts made Defendants in the above stated suit), including the above-described real property.**

  
\_\_\_\_\_  
Jack J. Hall, Jr., as Attorney for Benita Y. Fay

Sworn to and subscribed before me this the 19<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: 1/7/17

This document was prepared by:

Jack J. Hall, Jr. (HAL038)

Carleton P. Ketcham, III (KET005)

HALL, CONERLY & BOLVIG, P.C.

505 North 20th Street

1400 Financial Center

Birmingham, Alabama 35203

T: (205) 251-8143

F: (205) 326-3202

[jack.halljr@hallconerly.com](mailto:jack.halljr@hallconerly.com)

[c.ketcham@hallconerly.com](mailto:c.ketcham@hallconerly.com)



20140320000077110 2/4 \$31.00  
Shelby Cnty Judge of Probate, AL  
03/20/2014 11:00:32 AM FILED/CERT



EXHIBIT "A"  
TO QUITCLAIM DEED FROM BENITA Y. FAY TO  
JOHN C. FAY, JR., AS TRUSTEE OF THE  
JOHN CHARLES FAY, JR. REVOCABLE LIVING TRUST

The following parcels of real estate located in Shelby County, Alabama transferred to John C. Fay, Jr. pursuant to those deeds dated November 9, 1989 from John C. Fay, Jr. and Mary L. Fay, recorded in Book 266 at Pages 438-439 and 444-445 in the Office of the Judge of Probate, Shelby County, Alabama:

PARCEL 1

Commence at the Southwest corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 21, Township 19 South, Range 1 West, Shelby County, Alabama, and run in a Westerly direction along the South line of said  $\frac{1}{4}$   $\frac{1}{4}$  section a distance of 452.76 feet to the POINT OF BEGINNING of the herein described parcel; thence continue in a Westerly direction along the South line of said  $\frac{1}{4}$   $\frac{1}{4}$  section a distance of 56.05 feet to a point on the Southeasterly right-of-way of Shelby County Highway #43; thence turn an interior angle of  $75^{\circ}41'10''$  and run to the right along the Southeasterly right-of-way of Shelby County Highway #43 a distance of 327.03 feet to the point of beginning of a curve; thence deflect  $6^{\circ}13'50''$  to the right to the tangent of said curve and run along the Southeasterly right-of-way of Shelby County Highway #41 and along the arc of said curve to the right having a central angle of  $23^{\circ}14'00''$  and a radius of 1068.93 feet a distance of 433.45 feet to the point of tangent of said curve; thence turn an interior angle of  $270^{\circ}00'00''$  from the tangent of last described curve and run to the left along the Northeasterly right-of-way of Shelby County Highway #43 a distance of 30.23 feet to a point; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right along the Southeasterly right-of-way of said county highway a distance of 186.72 feet to a point; thence turn an interior angle of  $45^{\circ}14'11''$  and leaving said right-of-way run to the right in a Southerly direction a distance of 490.42 feet to a point; thence turn an interior angle of  $100^{\circ}08'33''$  and run to the right in a Southwesterly direction a distance of 306.87 feet to a point; thence turn an interior angle of  $244^{\circ}00'00''$  and run to the left in a Southwesterly direction a distance of 294.31 feet to the point of beginning of the herein described parcel; containing 2.75 acres, more or less.\*\* (See note on next page).

PARCEL 2

Begin at the Southeast corner of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 21, Township 19 South, Range 1 West, Shelby County, Alabama, and run in a Westerly direction along the South line of said  $\frac{1}{4}$   $\frac{1}{4}$  section a distance of 703.39 feet to a point; thence turn an interior angle of  $87^{\circ}42'20''$  and run to the right in a Northerly direction a distance of 318.58 feet to a point; thence turn an interior angle of  $153^{\circ}07'15''$  and run to the right in a Northeasterly direction a distance of 299.19 feet to a point; thence turn an interior angle of  $119^{\circ}10'25''$  and run to the right in an Easterly direction a distance of 548.72 feet to a point on the East line of said  $\frac{1}{4}$   $\frac{1}{4}$  section; thence turn an interior angle of  $89^{\circ}36'40''$  and run to the right in a Southerly direction and along the


20120508000162520 4/5 \$24.00  
Shelby Cnty Judge of Probate, AL  
05/08/2012 03:00:36 PM FILED/CERT


20080918000371510 3/4 \$248.00  
Shelby Cnty Judge of Probate, AL  
09/18/2008 03:06:06PM FILED/CERT


20140320000077110 3/4 \$31.00  
Shelby Cnty Judge of Probate, AL  
03/20/2014 11:00:32 AM FILED/CERT

East line of said  $\frac{1}{4}$   $\frac{1}{4}$  section a distance of 579.57 feet to the point of beginning; containing 8.82 acres, more or less.

**\*\* NOTE:** The conveyance of Parcel 1 herein is subject to a contingent remainder to the children of John C. Fay, Jr.'s previous marriage to Mary L. Fay, whereupon John C. Fay, Jr.'s death, title to Parcel 1 reverts to the children of this marriage, i.e., Mary Margaret Fay, Katherine Elizabeth Fay and Susannah Lyon Fay, pursuant to Section 8(d) on pages 7-8 of the Settlement Agreement entered into by John C. Fay, Jr. and Mary L. Fay in the divorce of said marriage attached to the Final Judgment of Divorce dated August 29, 1989 filed in the Circuit Court of Jefferson County, Alabama, Domestic Relations Division, Civil Action No. DR 89 3110.

  
20080918000371510 4/4 \$248.00  
Shelby Cnty Judge of Probate, AL  
09/18/2008 03:06:06PM FILED/CERT

  
20120508000162520 5/5 \$24.00  
Shelby Cnty Judge of Probate, AL  
05/08/2012 03:00:36 PM FILED/CERT

  
20140320000077110 4/4 \$31.00  
Shelby Cnty Judge of Probate, AL  
03/20/2014 11:00:32 AM FILED/CERT