

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**MORRIS ALAN PAYTON BURNETT,
Individually and as Personal
Representative of the Estate of
THERESA JULIA BURNETT, deceased,**


PLAINTIFFS,

vs.

**JAMES LARRY OFFORD, SR.,
THERESA ANN OFFORD,
BENJAMIN NIVEN, HOPE NIVEN,
ROBERT H. PARKS,
FAIRWAY INDEPENDENT MORTGAGE
CORPORATION, and fictitious parties A, B,
and C, those persons or firms, corporations
and/or individuals who conspired to defraud
and deprive the Plaintiffs of the interest of
THERESA JULIA BURNETT, a.k.a.
JULIE WRIGHT in certain real property and
homestead exemption,**

DEFENDANTS.

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CASE NO: CV-2017-900260.00

NOTICE OF LIS PENDENS

**TO: JUDGE OF PROBATE
SHELBY COUNTY, ALABAMA**

Notice is hereby given that **Morris Alan Payton Burnett, individually and as Personal Representative of the Estate of THERESA JULIA BURNETT, deceased,** commenced a civil action against **JAMES LARRY OFFORD, SR., THERESA ANN OFFORD, BENJAMIN NIVEN, HOPE NIVEN, ROBERT H. PARKS, FAIRWAY INDEPENDENT MORTGAGE CORPORATION and fictitious parties A, B, and C, those persons or firms, corporations and/or individuals who conspired to defraud and deprive the Plaintiffs of the interest of THERESA JULIA BURNETT, a.k.a. JULIE WRIGHT in certain real property and**

homestead exemption, on the 16th day of March, 2017, in which Plaintiffs claims a right, title, interest, or claim in and to the following described property:

Lot 41, according to the Survey of Spring Gate Sector One, Phase Two, as recorded in Map Book 18, Page 148, in the Probate Office of Shelby County, Alabama.

In the aforesaid civil action **Morris Alan Payton Burnett** alleges, among other things, the following:

That on the 17th day of November, 2015, subject property was conveyed by **James Larry Offord, Sr., Theresa Ann Offord, and Julie Wright** to **James Larry Offord, Sr., and Theresa Ann Offord** without the signature of Julie Wright's husband, **Morris Alan Payton Burnett**, in violation of **Code of Alabama 1975, §6-10-3**. That the kind and nature of action brought by **Morris Alan Payton Burnett, Individually** and the **Estate of Theresa Julia Burnett**, deceased, is a suit to set aside the purported conveyance of the subject property to the Defendants, **James Larry Offord, Sr. and Theresa Ann Offord** and to declare by order of the Circuit Court of Shelby County, Alabama, that the deed recorded as Instrument #20151112000392800 in the Office of the Judge of Probate of Shelby County, Alabama, is null and void and cancelled of record and that the real property is restored to the **Estate of Theresa Julia Burnett**.

That the purported conveyance of the subject property from **James Larry Offord, Sr. and Theresa Ann Offord** to the Defendants, **Benjamin P. Niven and Hope N. Niven**, be declared by order of the Circuit Court of Shelby County, Alabama, that the deed recorded as Instrument #20160613000203330, in the Office of the Probate Court of Shelby County, Alabama, is null and void and cancelled of record and that the real property in question is restored to the Estate of Theresa Julia Burnett and Morris Alan Payton Burnett.


That the mortgage from Defendants, **Benjamin P. Niven and Hope N. Niven** to **Fairway**



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Independent Mortgage Corporation, recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument #20160613000203340, be declared null and void and cancelled of record by the Circuit Court of Shelby County, Alabama and the property restored to the **Estate of Theresa Julia Burnett** free and clear of all liens and encumbrances. Plaintiffs also prays for compensatory and punitive damages, attorney's fees and cost of court.


Morris Alan Payton Burnett


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