

20180105000006030 1/3 \$21.00  
Shelby Cnty Judge of Probate, AL  
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Note to Clerk of Court:  
Please Cross Reference to  
Book 168, Page 109

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Fidelity National Law Group  
4170 Ashford Dunwoody Road  
Suite 460  
Atlanta, Georgia 30319

IN THE CIRCUIT COURT OF SHELBY COUNTY  
STATE OF ALABAMA

SFAKDD PROPERTIES, LLC,

Plaintiff,

v.

ROBERT FUNDERBURG, JR., DARRELL)  
ALFORD, DARLENE ALFORD, JAMES )  
AARON and LISA AARON,

Defendants.

CIVIL ACTION FILE  
NO. 58-CV-2017-901147.00

**NOTICE OF LIS PENDENS**

Notice is hereby given of the filing of a Complaint for Declaratory Judgment in the Circuit Court of Shelby County, Alabama on December 7, 2017 involving and affecting title to that certain real properties, and improvements thereon, with the address of 209 Village Parkway, Helena, Shelby County, Alabama 35080 (the "Property"), according to the present system of numbering in said County and State, and more particularly described as follows:

PARCEL I:

A parcel of land located in Section 22, Township 20 South, Range 3 West, more particularly described as follows:

Commence at the most Southerly corner of Lot 10, Block 4, of Dearing Downs Second Addition as recorded in Map Book 9, Page 33, in the Probate Office of Shelby County, Alabama; thence in a Northwesterly direction along the Southwesterly line of said Block 4, a distance of 1076.88 feet; thence 65°41'27" left in a Westerly direction a distance of 15.47 feet; thence 89°01'51" right, in a Northerly direction a distance of 100.08 feet to the point of beginning; thence continue along last described course a distance of 106.48 feet; thence 89°52'26" left in a Westerly direction a distance of 407.97 feet to a point on the Southwesterly line of a 30 foot wide Plantation Pipeline Easement; thence 126°44'10" left, in a Southwesterly direction along said easement a distance of 184.80 feet; thence 13°39'38" right in a Southeasterly direction along said easement, a distance of 64.28 feet; thence 91°50'30" left, in a Northeasterly direction a distance of 17.51 feet to the beginning of a curve to the left, having a radius of 25 feet; thence in a Northeasterly direction along said curve a distance of 40.26 feet to end of said curve; thence 90° right from tangent to said curve, in a Northeasterly direction a distance of 28.00 feet; thence 90° right in a Southeasterly direction a distance of 40.58 feet; thence 90° left in a Northeasterly direction a distance of 218.56 feet to the point of beginning; being situated in Shelby County, Alabama.

PARCEL II:

A parcel of land located in Section 22, Township 20 South, Range 3 West, more particularly described as follows:

Commence at the most Southerly corner of Lot 10, Block 4, of Dearing Downs Second Addition, as recorded in Map Book 9, page 33, in the Probate Office of Shelby County, Alabama; thence in a Northwesterly direction along the Southwesterly line of said Block 4, a distance of 1076.88 feet; thence 65°41'27" left in a Westerly direction, a distance of 15.47 feet to the point of beginning; thence 89°01'51" right in a Northerly direction, a distance of 100.08 feet; thence 113°23'05" left, in a Southwesterly direction, a distance of 218.58 feet; thence 90° left in a Southeasterly direction a distance of 78.30 feet; thence 88°24' left in a Northeasterly direction a distance of 93.01 feet; thence 5°06'58" right in a Northeasterly direction, a distance of 86.54 feet to the point of beginning.

WHEREFORE, Plaintiff prays for an Order from the Court:

- (a) Declaring that the Restrictive Covenant is unenforceable and that Plaintiff may proceed with construction of the playground as originally intended; OR IN THE ALTERNATIVE,
- (b) Declaring the exact location as to where the 50 foot buffer zone of natural vegetation

as described in the Restrictive Convent lies,

- (c) Instructing the Clerk to record a true and correct copy of the Court's Final Order (with appropriate cross-referencing to the deeds affected by this Order) in the Shelby County, Alabama probate records declaring the parties' rights, so record notice of same is provided; and
- (d) This Court award such other and further relief as may be just and proper.

Respectfully submitted this the 6<sup>th</sup> day of December, 2017.

**FIDELITY NATIONAL LAW GROUP**



JENNIFER J. PANETTA (PAN007)\*

AUSTIN E. JAMES (JAM032) \*\*

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