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Shelby Cnty Judge of Probate, AL  
09/17/2024 08:56:48 AM FILED/CERT

## **NOTICE OF LIS PENDENS**

### **IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA**

**SHELBY COUNTY, ALABAMA, a  
political subdivision of the State of Alabama,**

**Plaintiff,**

**v.**

**CASE NO. PR-2024- 001112**

**BRENT PENNY; LEAH PENNY;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
ALCOVA MORTGAGE, LLC;  
DONALD ARMSTRONG, in his official  
capacity as Property Tax Commissioner of  
Shelby County, Alabama; BLANK  
COMPANY, an entity, the owner of the  
property described in the Complaint; A, B, C,  
D and E, the persons who own the property  
described in the Complaint, or some interest  
therein; BLANK COMPANY, the entity  
which is the mortgagee in a mortgage on the  
above-described property or claims some lien  
or encumbrance against the same, all of whose  
names are otherwise unknown but whose  
names will be added by amendment when  
ascertained,**

**Defendants.**

Comes now Shelby County, Alabama, by its attorney, and files herewith notice to all persons concerned that on the 13th day of September, 2024, condemnation proceedings were commenced in the Probate Court of Shelby County, Alabama, whereby said Shelby County, Alabama seeks to obtain certain ownership to real property and said proceedings are now pending.

The names of the property owners concerned, together with the property sought to be condemned, are as set forth below:

Property Owner(s): Brent Penny, Owner of fee; Leah Penny, Mortgage Electronic Registration Systems, Inc., Mortgagee; Alcovia Mortgage, LLC, Lender; Don Armstrong, Shelby County Property Tax Commissioner, ad valorem property taxes

Property description: North South Water Main Connector Project Tract No. 38:



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A 30 foot utility easement situated in the Southwest quarter of Section 32, Township 19 South, Range 1 East, Shelby County, Alabama, lying within and to the East of, parallel with, and adjacent to a 100 foot Alabama Power Transmission Main right-of-way, Lay Dam - Leeds, AX-403846 running Northwesterly and Southeasterly as recorded in Office of the Judge of Probate of Shelby County Alabama, with the centerline of said 30 foot easement being more particularly described as follows:

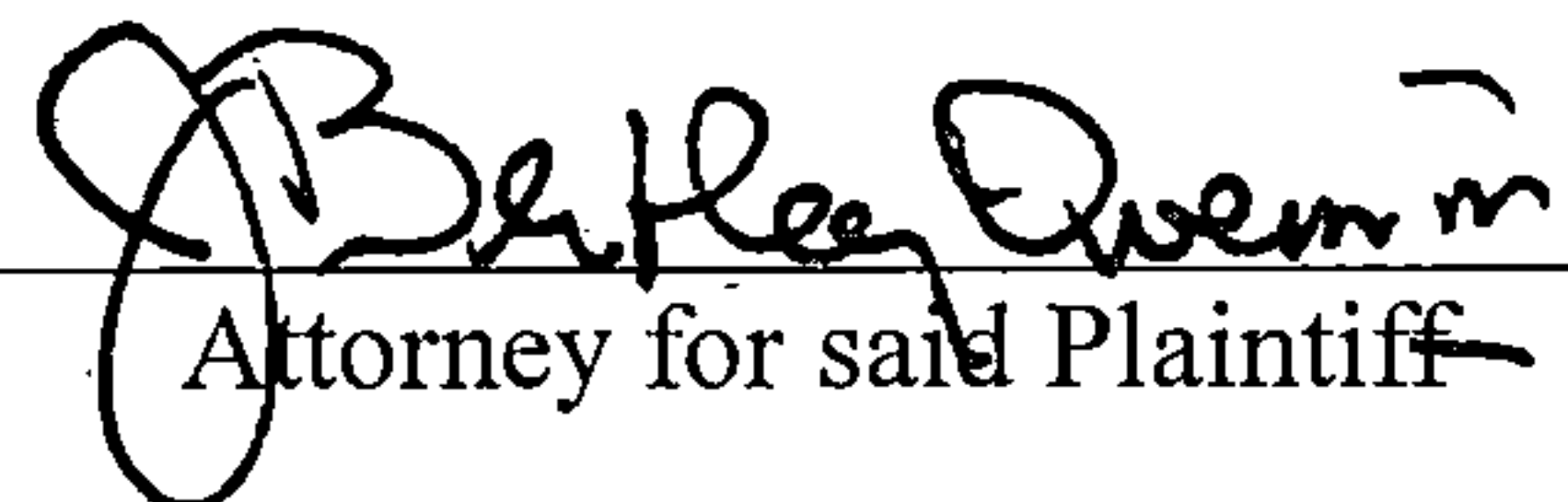
Commence at the Southwest corner of the said Section 32; thence run East along the South line of said section for a distance of 1,480 feet more or less to a point being on the South line of said section and 15 feet to the East of the Alabama Power Company Transmission Main right of way; thence turn an angle left of 97 deg.  $\pm$  and run in a Northwesterly direction parallel to said right of way for a distance of 826 feet more or less to a point on the South line of said parcel and the point of beginning of the 30 foot easement herein described. Thence continue 60 feet more or less to a point being 15 feet off of and to the East of said right of way and 15 feet off of West property line of said parcel; thence turn an angle right of 5 deg.  $\pm$  and run parallel to and 15 feet off of the West line of said parcel 344 feet more or less to a point on the North/East line of said parcel and point of termination of the 30 foot easement described herein. Said easement contains 0.27 acres, more or less.

During the period of construction, the permanent easement area shall be temporarily enlarged for the purposes stated above, provided, however, the temporary construction easement area shall not exceed (10) feet in width. This temporary construction easement shall automatically terminate in three (3) years or upon completion and acceptance of the Project, whichever occurs first, and thereafter will constitute no cloud on the title of the owner.

Description of above property is taken from map of said project on file in the office of engineer for Shelby County, Alabama, and in the Office of the Probate Judge of Shelby County, Alabama.

The title of the action and the case number thereof are as hereinabove designated.

SHELBY COUNTY, ALABAMA

By   
Attorney for said Plaintiff