

WILLIAM CLARENCE WOODRUFF,
as Legal Guardian of
SARAH SINCLAIR,
a non compos mentis,

PLAINTIFF

VS.

SARAH SINCLAIR,
a non compos mentis,

DEFENDANT

IN THE CIRCUIT COURT OF
THE EIGHTEENTH JUDICIAL CIRCUIT OF
ALABAMA
IN EQUITY

CIVIL ACTION NO. CV-81-053 (E)

FINAL DECREE

19810410000039130 1/3 \$.00
Shelby Cnty Judge of Probate, AL
04/10/1981 12:00:00 AM FILED/CERT

This cause coming on to be heard upon the petition of William Clarence Woodruff as legal guardian of Sarah Sinclair, a non compos mentis, to sell the Ward's realty as described in the petition at private sale to Donald C. Overton and wife, Susan Overton, for the cash purchase price of \$20,000.00 as set forth in the contract of sale dated March 25, 1980, and attached to said petition as Exhibit "A"; and it appearing to the satisfaction of the Court that a guardian ad litem has been appointed to represent the interest of the said Sarah Sinclair, and that, after due and proper notice, the said guardian ad litem attended the hearing upon said petition and actively participated therein for and in behalf of the said non compos mentis; and it further appearing to the Court that the said Sarah Sinclair, herself, also duly was served with a copy of said petition in strict compliance with all of the requirements of the Alabama Rules of Civil Procedure; and it appearing to the Court that it is to the best interest of the said non compos mentis that her said realty be sold at private sale and the net proceeds of sale be paid upon that certain mortgage held upon the Ward's remaining realty by Dilda Kendrick, said mortgage being recorded in Mortgage Book 378, at Page 940, in the Probate Office of Shelby County, Alabama, thereby advancing the Ward's interest through the reduction of the amount due on said mortgage; and it further appearing to the Court that a private sale of said realty would be more advantageous to the said non compos mentis than a public sale thereof; and it further appearing to the Court that the offer of \$20,000.00 made by the said Donald C. Overton and wife, Susan Overton, is a

BOOK 40 PAGE 221

Clarence Woodruff
R.1. Bond 3/14
Shelby Ala. 35147

reasonable offer, equaling or exceeding the reasonable market value of said land, and constituting the highest and best offer therefor; and it further appearing to the Court that all of the allegations contained in the Bill of Complaint are true and correct, and that all of the requirements of law have been complied with; and it further appearing to the Court, and the Court so finds, that it would be to the best interest of the said non compos mentis that her said real estate as described in the Bill of Complaint be sold to the said Donald C. Overton and wife, Susan Overton, in accordance with the terms and provisions of Exhibit "A" to the said Petition:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

(1) That the prayer of said petition is hereby granted and the said William Clarence Woodruff is hereby ordered to sell the hereinbelow described real property at private sale to Donald C. Overton and wife, Susan Overton, for the total price of \$20,000.00 in cash or Cashier's Check, said realty being legally described as follows:

Commence at the SW corner of Section 28, Township 19 South, Range 1 West, and run North along the West boundary of said Section a distance of 2,221.83 feet to a point on the South right-of-way line of Shelby County Road No. 11; thence run Northeasterly along said right-of-way line a distance of 210 feet; thence turn right and run in a Southerly direction parallel with the West boundary of said Section a distance of 612.0 feet; thence turn right and run in a Westerly direction parallel to the South line of said Section a distance of 210 feet, more or less, to the West boundary line of said Section; thence turn right and run North along the West boundary of said Section to the point of beginning. Containing 3 acres, more or less. Situated in Shelby County, Alabama.

Subject to all easements and restrictions of record and to current year ad valorem taxes which the Grantees herein hereby assume and promise and agree to pay.

(2) That the said William Clarence Woodruff be and he is hereby authorized, empowered, and directed to execute all instruments and documents reasonably necessary or proper to accomplish such sale and conveyance of the above described realty.

(3) That a fee of \$1,500.00 is hereby awarded Walter Cornelius, Solicitor of Record for the Plaintiff, with \$125.00 thereof to be

19810410000039130 3/3 \$.00
Shelby Cnty Judge of Probate, AL
04/10/1981 12:00:00 AM FILED/CERT

paid by the purchasers, Donald C. Overton and wife, Susan Overton, and the remaining sum of \$1,375.00 to be paid out of the proceeds of sale as a selling expense chargeable to the Ward's estate.

(4) That the cost of title insurance also shall be deducted from the proceeds of sale as a selling expense chargeable to the Ward's estate.

(5) That a fee of \$ 150. is hereby awarded to the Honorable Hewitt L. Conwill, an Attorney at Law, Columbiana, Alabama, as guardian ad litem for the said non compos mentis, which fee is made a part of the costs of this proceeding.

(6) That one-half of the costs of this proceeding, including the said fee of the guardian ad litem, be paid at once by the said Donald C. Overton and wife, Susan Overton, as provided in said contract set forth as Exhibit "A", and the remaining one-half of said costs be deducted from the proceeds of sale as a selling expense chargeable to the Ward's estate.

(7) That the cost of recording the Mortgage Release executed by the said Dilda Kendrick and the cost of recording a copy of this Final Decree be deducted from the proceeds of sale as a selling expense chargeable to the Ward's estate.

(8) That the cost of recording the Guardian's Deed and all affidavits, and other documents, and instruments pertaining to said transaction be paid by the said Donald C. Overton and wife, Susan Overton.

(9) That the net proceeds of sale remaining after the deduction of the above selling expenses chargeable to the Ward's estate be paid to the said Dilda Kendrick on said recorded mortgage.

DONE this the 10 day of April, 1981.

STATE OF ALA. SHELBY CO.
J. DEPTNEY, TH. C.
SE. JUDICIAL CIR. FILED

1981 APR 10 AM 11:04

Thomas A. Brownlee, Jr.
JUDGE OF PROBATE

Rec. 4.50
Ind. 1.00
5.50

Robert R. Brownlee, Jr.
CIRCUIT JUDGE IN EQUITY SITTING

FILED IN OFFICE THIS THE 10th DAY
OF April, 1981
Kyle Sanford
Clerk of Circuit Court
Shelby County, Alabama

BOOK 40 PAGE 223