

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

CAROL C. SHUBERT,

263 *

Plaintiff,

*

vs.

* CASE NO. CV-81-093 (E)

JAMES L. SHUBERT AND DAVID

*

H. COTTON, and all parties

*

who, unknown to plaintiff,

*

claim an interest in or to

the above described property,

whose names will be added

by amendment, when ascertained,*

Defendants.

*

D E C R E E

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Shelby Cnty Judge of Probate, AL
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This cause coming on to be heard on the 21st day of August, 1981, at 2:00 p.m., said hour and date being heretofore set by this court for trial of said cause, and the same being submitted upon the pleading in said cause and upon the testimony of the plaintiff and other witnesses taken orally in court, under, oath, and the Court having heard, considered and understood the same, the court is of the opinion and ascertains that the plaintiff is entitled to the relief prayed for in the bill of complaint and it is, therefore:

CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE court as follows:

1. That the parties of this suit are the joint owners and tenants in common of the following described real estate situated in Shelby County, Alabama, to wit:

Lot 25, according to the Survey of Portsouth, 1st Sector, as recorded in Map Book 6, page 22, in the Office of the Judge of Probate, Shelby County, Alabama.

2. That the parties hereto own all the interest to said property, undivided, as indicated opposite their names herein:

Carol C. Shubert	undivided 1/2 interest
James L. Shubert	right of redemption
David H. Cotton	undivided 1/2 interest, subject to right of re- demption by James L. Shubert.

3. That there are presently outstanding eight judgments against defendant, James L. Shubert, one of which is also against the Plaintiff, Carol C. Shubert. That there is a first mortgage on the above described property to Molton, Allen & Williams, Inc. signed by James L. Shubert and wife Carol L. Shubert dated and executed on the 5th day of November 1974 at Mortgage Book 342 page 712 in the Probate Office of Shelby County, Alabama. That all of the above stated judgments were obtained and recorded subsequent to said Mortgage.

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4. That the above described real property cannot be equitably divided among the joint owners thereof without a sale of the same for a division of the proceeds among said joint owners.

5. That from the evidence before the court it appears just and equitable and to the best interest of all parties to this action that the above described property be sold free and clear of the judgments liens described above but subject to said first mortgage. That said judgments shall attach to the appropriate shares of said sale proceeds of the appropriate parties to said action.

6. That a title insurance would be beneficial to the joint owners of said property and the Register is, therefore, ordered to have available a title insurance policy procured from Mississippi Valley Title Insurance Company and payment of the same to be made from the general proceeds of the sale in this cause, said title insurance policy to extend back for a period of not less than sixty years; said Register is further ordered to announce at said sale, prior to the bidding, that title insurance will be supplied and paid for out of the general proceeds of the sale in this cause to the success bidder in the amount of his bid.

7. That Kyle Lansford, Register, be and he is hereby authorized, ordered, and directed to sell the above described property in front of the courthouse of Shelby County, Alabama, during the legal hours of sale after first giving notice by publication in the Shelby County Reporter, a newspaper of general circulation, published in Shelby County, Alabama, once a week for three successive weeks, stating the time, place, terms of sale, and the description of the property, said sale to be held at 11:00 a.m. on Saturday, the 7th day of November, 1981.

8. That the Register shall, immediately upon making said sale in the manner and form prescribed herein, report his actions to the court so that the same may be confirmed or rejected as may seem meet and proper. Said Register shall also hold a reference to determine the following items: (a) Ascertain and determine what would be a reasonable attorney's fee for plaintiff's solicitor of record for his services herein; and for defendant's



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attorney of record; (b) Cost of the above said title insurance, and whether or not said charges are reasonable.

9. It is further considered, ordered, adjudged and decreed that said report of sale and the reports on reference shall be filed in this court, and it is ordered that all said reports shall lie over for a period of ten (10) days for filing of objections and exceptions thereto.

Done this 23 day of Sept., 1981.

Charles S. Molder
Circuit Judge

FILED IN OFFICE THIS THE _____ DAY
OF SEP 23 1981 19 ____

Kyle Sanford

Clerk of Circuit Court
Shelby County, Alabama



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Shelby Cnty Judge of Probate, AL
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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
DOCUMENT WAS FILED

1981 NOV -6 AM 11:04

Thomas A. Shauden, Jr.
JUDGE OF PROBATE

Rec. 4.50
Ind. 1.00
5.50

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