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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

WILBURN AUDREY SEALS, JEWELL
MARIE S. BRASHER, DAVID LATHON
SEALS, AND BOBBY JOE SEALS

PLAINTIFFS,

V.

CASE NO. CV-86-370

CHARLES E. SEALS AND MARTHA
E. SEALS

DEFENDANTS.

ORDER OF COURT

This cause coming on to be heard on the Complaint in the above styled cause, as amended, and the Counterclaim of Defendants, and this Court having considered the testimony and other evidence in this cause, does find, among other things, the following:

- a. C. A. Seals and wife, Naomi Seals, prior to 12-29-81, did own the real property described in deed dated 12-29-81, recorded in the Shelby County Probate Office in Deed Book 021, at page 578, and Charles E. Seals named as grantee in said deed was not a bonafide purchaser for value.
- b. If the deed described in the immediately preceeding paragraph was a valid deed, the same was executed and delivered without consideration.
- c. That certain deed executed by C. A. Seals and wife, Naomi Seals dated 5-4-84, to Plaintiffs in the above styled cause, recorded in the Shelby County Probate Office in Deed Record 335, at Page 492, was executed without consideration, and Plaintiffs were not bonafide purchasers for value.
- d. That certain deed of correction from C. A. Seals, dated 12-16-85, to Plaintiffs, recorded in the Shelby County Probate Office in Deed Record 056, at Page 843, was executed without consideration, and Plaintiffs therein were not bonafide purchasers for value.
- e. As of 5-4-84, Naomi Seals lacked the requisite mental capacity to execute a valid conveyance of real property, and said deed dated 5-4-84, recorded in the Shelby County Probate Office in Deed Record 335, at Page 492, was invalid to convey such interest as she might have had in the real property described therein.
- f. C. A. Seals died on 2-17-86, leaving a last will and testament which was duly admitted to probate in the Probate Court of Shelby County, Alabama, and is recorded in the Shelby

County Probate Office in Will Record 26, at Page 607.

g. Naomi Seals died on 3-8-85, leaving a last will and testament which was duly admitted to probate in the Probate Court of Shelby County, Alabama, and is recorded in the Shelby County Probate Office in Will Record 26, at Page 839.

h. The deed purported to be executed by C. A. Seals and wife, Naomi Seals to Charles E. Seals, dated 12-29-81, recorded in the Shelby County Probate Office in Deed Record 021, at Page 578, was not executed by C. A. Seals, and was not executed by Naomi Seals, and was not properly acknowledged by them before a notary public, and is null and void.

i. Plaintiffs, WILBURN AUDREY SEALS, JEWELL MARIE S. BRASHER, DAVID LATHON SEALS, AND BOBBY JOE SEALS, together, own an undivided one-half interest in the property described in deed dated 5-4-84, recorded in the Shelby County Probate Office in Deed Book 335, at Page 492. Said deed dated 5-4-84 recorded in the Shelby County Probate Office in Deed Record 335, at Page 492, described all of the property owned on said date by C. A. Seals and wife, Naomi Seals, each of whom owned an undivided one-half interest in the same.

j. The one-half interest of Naomi Seals in the property passed, on her death, to her husband, C. A. Seals, and thereafter vested in Plaintiffs, WILBURN AUDREY SEALS, JEWELL MARIE S. BRASHER, DAVID LATHON SEALS, AND BOBBY JOE SEALS, under either the deed of 5-4-84, as corrected by deed of 12-16-85, or under the last will and testament of C. A. Seals, which last will and testament did devise same to Plaintiffs.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. Defendant's objection to admission into evidence of Plaintiffs' Exhibit #40 is sustained.

2. That certain deed dated 12-29-81, recorded in the Shelby County Probate Office in Deed Record 021, at Page 578, is null and void and of no effect.

3. The property described in deed dated 5-4-84, recorded in the Shelby County Probate Office in Deed Record 335, at Page 492, is legally vested in WILBURN AUDREY SEALS, JEWELL MARIE S. BRASHER, DAVID LATHON SEALS, AND BOBBY JOE SEALS.

Costs taxed to Defendants. m/
DONE and ORDERED on this the 26th day of August, 1987.

FILED IN OFFICE THIS THE _____ DAY
OF AUG 27 1987

Kyle Lunsford

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
George G. Simpson,
Sitting as Circuit Judge
1987 SEP 28 PM 4:14