

✓
GORMAN O. WHITFIELD,
PLAINTIFF

VS

JAMES HARRIS, et al.,
DEFENDANTS

Copy
IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CIVIL ACTION NUMBER
CV-88-398

FINAL JUDGMENT

THIS CAUSE coming on to be heard on the 1st day of July, 1991 and continued over until the 8th day of August, 1991 when said hearing was completed, was submitted for a final judgment on Plaintiff's Complaint and Defendant's answer as amended thereto. Before the hearing the Court was informed that Plaintiff and Defendants William Clyde Wright, Willie Mae Wright and Anne Armstrong had settled their differences. Upon consideration of said pleadings together with ore tenus testimony and exhibits admitted into evidence, the Court finds the following:

A. That both Plaintiff and Defendant, James Harris, are owners of land contiguous to each other, both lying within the Southeast quarter of the Northwest quarter of Section 16, Township 19 South, Range 1 West.

B. That George Huddleston owned the said quarter-quarter section in which the subject lands are located in the 1940's.

C. That the said George Huddleston sold the said quarter-quarter section to S.J. Harris and Semantha Harris in 1944.

D. The said S.J. Harris and Semantha Harris then conveyed to Noah E. Isbell and Irma Dean Isbell who conveyed to the Plaintiff in 1964 the portion Plaintiff now owns.

E. That Plaintiff conveyed his property to his parents in

2416 Whitfield Dr.
B'ham, AL
35242

Inst # 1992-18932

1970, but regained title again in 1977.

F. That Plaintiff's property was surveyed by Alton Young in the 1960's when Mr. Young established the quarter-quarter section line and set the iron marker at the Northwest end thereof.

G. That the said Semantha Harris was Defendant's mother.

H. That the Defendant is 54 years old.

I. Although Defendant has lived on the land in controversy since he was seven (7) years of age, he acquired title to the land adjoining the Plaintiff in 1984, after some of his family members conveyed same to him.

J. That Defendant's deed to his property was according to a survey by a Joseph E. Conn, Jr. which was conducted in 1984 several months before Defendant's deed was executed to him.

K. That when the said Joseph Conn conducted his survey the Defendant did not know where his property line existed separating his property from Plaintiff's property.

L. That the Court appointed one Bryson Weygand to survey the area in dispute and said Weygand survey found the Young survey "reasonably accurate".

M. That the Weygand survey lines separating the Plaintiff and Defendant, James Harris' property is the boundary line between the two properties.

Accordingly, it is ORDERED and ADJUDGED by the Court as follows:

1. That the boundary line separating the contiguous parcels of land owned by Plaintiff and Defendant, James Harris, is hereby established by the Court as that line shown on the survey of Bryson

Weygand which is attached hereto and which was Plaintiff's Exhibit
3 at the trial of this cause.

2. That a copy of this Final Judgment shall be recorded by
the Plaintiff, with the recording fees taxed as part of the Court
costs.

3. That the claims by Plaintiff against Defendants, William
Clyde Wright, Willie Mae Wright and Anne Armstrong be and are
hereby dismissed.

4. That the cost of the Bryson Weygand survey is taxed as
part of the Court costs.

5. That the costs of this proceeding are taxed one-half (1/2)
to Plaintiff, Gorman O. Whitfield and one-half (1/2) to Defendant,
James Harris.

DONE and ORDERED this 15th day of August, 19 91.

D. Al Crowson

D. Al Crowson
Circuit Judge

Inst # 1992-18932

09/03/1992-18932
12:24 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 11.50