

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**JAMES LOUIS WORKMAN AND
TOMMYE R. WORKMAN,**

Plaintiffs,

v.

AMY CRIM LANCASTER,

Defendant.

CIVIL ACTION NO. CV-04-1410


CONSENT SETTLEMENT ORDER

The parties came before the Court on October 24, 2008 for a Settlement/Status Conference and at the request of the Court resumed settlement discussions resulting in an agreement to partition the lands made the subject of this suit. The division was presented to the Court and was memorialized by a map or sketch delivered to the Court. Thereafter, deeds evidencing the division were drawn and are presented to the Court for approval. The Court has reviewed the deed forms and approves same. Specifically, the Court approves the Statutory Warranty Deeds and the warranties that are made therein. The Court also approves the legal descriptions of the parcels made the subject of the Statutory Warranty Deeds and said descriptions which will suffice in the absence of surveys or metes and bounds descriptions. One of the Statutory Warranty Deeds contains a description by referencing a tax identification number even though a survey has been made of the parcel. Because the survey may contain additional areas, the Court's approves of a separate quitclaim deed from the Defendant to the Plaintiffs describing the area surveyed. The Court further approves the language of the quitclaim deeds quitclaiming any interest in and to the property owned or encumbered by the railroad to the party that has property adjoining thereto. Finally, the Court hereby finds that counsel for both the Plaintiffs and Defendant have conferred a substantial benefit upon all parties based upon the valuations of the

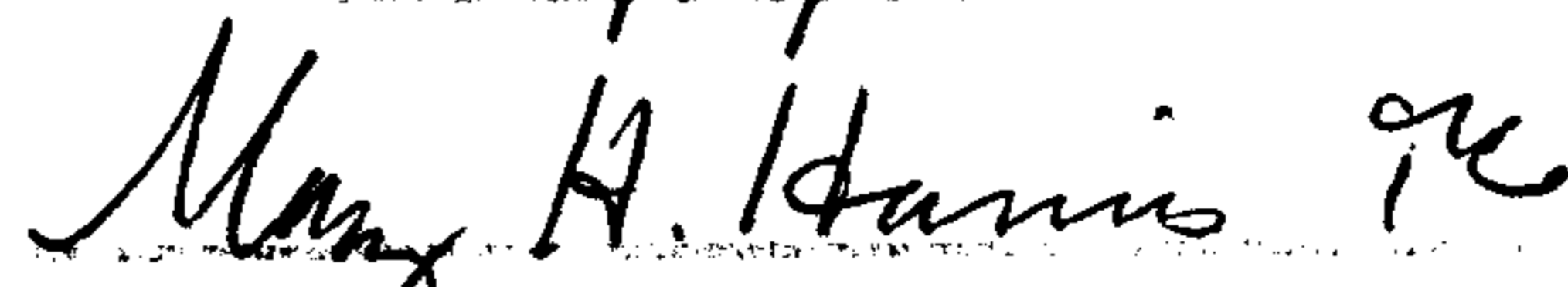
respective real estate parcels partitioned. In accordance with the provisions of Alabama Code § 34-3-60 and after evaluation of the twelve-part standard set forth in *Peebles v. Miley*, 439 So. 2d 137 (Ala. 1983), the Court has determined that a reasonable fee for the attorney for the Plaintiffs and for the attorney for the Defendant is Forty Thousand and no/100 Dollars (\$40,000.00) each which shall be taxed as cost against each party and paid to their respective counsels.

It is therefore, **CONSIDERED, ORDERED, ADJUDGED and DECREED** that:

- (1) The deeds, copies of which are attached hereto, shall be executed by the Grantors as drawn and delivered by the respective Grantors to the Grantees;
- (2) The parties shall be responsible for recording their own deeds and assessing same;
- (3) The parties receiving property pursuant to the deeds referenced herein shall be responsible for ad valorem taxes for 2009 without pro-ration; i.e. as if the transfers had occurred on October 1, 2008;
- (4) James Louis Workman and Tommye R. Workman will execute a Release of Lis Pendens and file it with the Probate Court of Shelby County, Alabama, a form of which is attached hereto;
- (5) An attorney fee in the amount of \$40,000 shall be taxed as cost against the Plaintiffs and shall be a lien against the parcels conveyed to Plaintiffs until paid and satisfied in full; and
- (6) An attorney fee in the amount of \$40,000 shall be taxed as cost against the Defendant and shall be a lien against the parcels conveyed to Defendant until paid and satisfied in full.
- (7) Filing costs shall be taxed as paid.


Caryl Privett, Circuit Judge

Certified a true and correct copy
Date: 5/18/09


Mary H. Harris, Clerk (Act)
Shelby County, Alabama

COPIES TO:

Laurie Boston Sharp, Esq.
P. O. Box 567
Alabaster, AL 35007

John F. De Buys, Jr., Esq.
BURR & FORMAN LLP
3400 Wachovia Tower
420 North 20th Street
Birmingham, Alabama 35203



20090518000185110 3/6 \$26.00
Shelby Cnty Judge of Probate, AL
05/18/2009 09:33:51 AM FILED/CERT


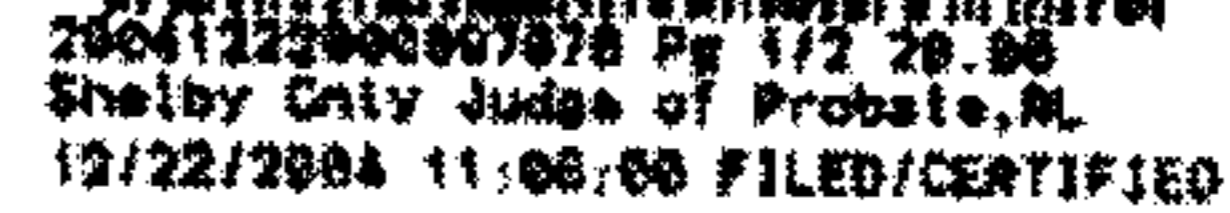
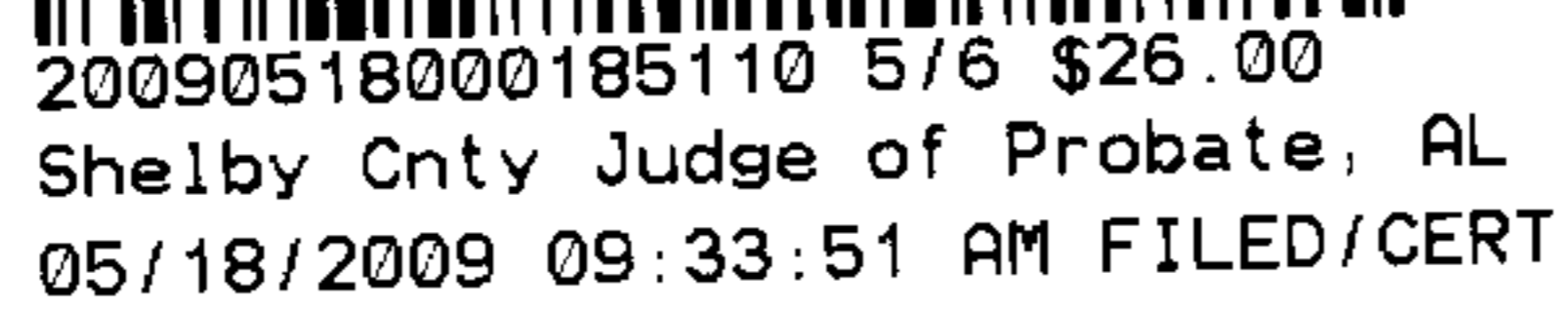

20090518000185110 4/6 \$26.00
Shelby Cnty Judge of Probate, AL
05/18/2009 09:33:51 AM FILED/CERT

EXHIBIT A



**JAMES LOUIS WORKMAN
and TOMMYE R. WORKMAN,**

vs.

Defendant.

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CASE NO. CV-2004- 1410

KNOW ALL MEN BY THESE PRESENTS, that in and by a certain bill
filed in the Circuit Court of Shelby County, Alabama, now pending in said Court,
wherein Plaintiffs are seeking to sell the hereinafter described property for division
between the joint owners and said suit affects the title to the following described real
estate, to-wit:

All that part of the NW 1/4 of the SW 1/4, Section 20, Township 21 South, Range 2 West lying NE, S & W of L & N Railroad right-of-way SAVE AND EXCEPT South 525 feet of W 420 feet of NW 1/4 of SW 1/4.

All that part of NE 1/4 of SW 1/4, Section 20, Township 21 South, Range 2 West lying SW of L & N Railroad right-of-way and that part of NE 1/4 of SW 1/4 lying North and East of L & N Railroad right-of-way beginning at iron corner on old fence line on E line of NE 1/4 of SW 1/4 and running westerly to intersection with E L & N Railroad right-of-way and iron corner on old fence line. All lying north of the northernmost boundary of the City of Alabaster parcel as described in a deed recorded in Shelby County, Alabama Probate Office as Instrument No. 2001-5636 and recorded on February 20, 2001.

Crown & Justice



20090518000185110 6/6 \$26.00
Shelby Cnty Judge of Probate, AL
05/18/2009 09:33:51 AM FILED/CERT

20041222000637670 Pg 2/2 26.00
Shelby Cnty Judge of Probate, AL
12/22/2004 11:06:00 FILED/CERTIFIED

Parcel No. 3:

All that part of SE 1/4 of SW 1/4 of Section 20, Township 21 South, Range 2 West lying S & W of L & N Railroad right-of-way.

Parcel No. 4:

The SW 1/4 of SW 1/4, Section 20, Township 21 South, Range 2 West less ten (10) acres in the Southwest corner of the SW 1/4 of the SW 1/4.

Parcel No. 5:

The N 1/2 of NW 1/4 of NW 1/4 and NE 1/4 of NW 1/4 of Section 29, Township 21 South, Range 2 West SAVE AND EXCEPT that portion more fully described as follows: Said point of beginning being the NE corner of said quarter-quarter section; thence run West along the North section line 234.65 feet, more or less, to the center of line of a railroad; thence turn left and run along said railroad Southeasterly a distance of 571.96 feet, more or less, to a point which said railroad intersects with the East line of said quarter-quarter section; thence turn left and run North along the East line of said quarter-quarter section a distance of 507.85 feet, more or less, to the point of beginning.

Parcel No. 6:

S 1/2 of SE 1/4 of NW 1/4, Section 29, Township 21 South, Range 2 West.

All persons are cautioned against purchasing said lands or attempting to acquire any right, title or interest therein, except subject to the rights of the Plaintiffs under this notice of lis pendens, as the same shall be ascertained and declared by said Circuit Court as aforesaid.

Dated this 22nd day of December, 2004.


Circuit Clerk