

COPY

DECREE - DEED

T. C. McSwain, Mae Edwards,)	
Lola R. Hall, Myrtle Wingo	
Raymond C. Roberts, (IN THE CIRCUIT COURT OF CHILTON
James H. Roberts, Jr. and	
Edna Roberts.)	COUNTY, ALABAMA,
Complainants. (
vs	IN EQUITY.
N. L. Roberts, Jane Roberts,)	Case No. 1136
and Helen Roberts,	
Respondents. (

This cause coming on to be heard was submitted to the Court upon the report of the Commissioners heretofore appointed to make a division or partition of the lands involved in this cause,

And it appearing to the Court that heretofore by decree dated May 14th, 1934, this Court did make and enter a decree granting the relief prayed for in the bill of complaint in this cause, declaring the respective ownerships and interest of the various Joint owners or tenants in common in the lands described in the Bill of Complaint, all of which parties are parties to this cause, and decreeing a division or partition of the said lands and appointing C. F. Jones, H. G. Heflin and J. E. Gowan, as Commissioners, to make such partition or division of said lands. And it further appearing to the Court that heretofore on the 16th day of May, 1934, the Register of this Court did issue to said Commissioners, a Commission to divide or partition the lands described in the Bill of Complaint and described in said Commission, between the joint owners or tenants in common thereof. That said Commissioners be first duly sworn faithfully to execute the trust reposed in them, and to make the division and partition fairly and impartially if the same can be made, and having due regard in the partition or division thereof, to the quality of the soil and other advantages, so as to make the different shares as nearly equal in value as practical, a copy of which Commission was duly served upon each of said Commissioners on the 17th day of May, 1934;

And it further appearing to the Court that before entering upon their duties as such Commissioners, the said C. F. Jones, H. G. Heflin and J. E. Gowan, were duly sworn to faithfully execute the trust reposed in them, and to make the division or partition fairly and impartially if the same can be done, and that thereafter and on to-wit; the 31st day of May, 1934, the said Commissioners did file with the Register of this Court their report in writing, verified as required by said decree, and which report contained and set-forth the partition or division of said lands into Nine (9) equal shares or parts, which were estimated to be of as nearly equal value as it is possible to make them.

And it further appearing to the Court that said report of the said Commissioners has laid over for the period of Five (5) days for the filing of exceptions or objections thereto, as provided by the former decree of this Court, and that no exceptions or objections to said report have been filed, the Court now proceeds to consider said cause and the report of the Commissioners making such division or partition of the lands involved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the said report of the Commissioners in this cause, which report is dated and filed May 31st, 1934, be and the same is in all things ratified and confirmed.

It Is Further Ordered, Adjudged And Decreed by the Court that the lands and real estate described in the Bill of Complaint in this cause are partitioned and divided among the joint owners or tenants in common thereof, in accordance with the said report of the said Commissioners, it appearing to the Court that such division is fair and equitable and the respective shares are as nearly equal value as it is practical to make them, such division or partition and the shares or lots into which said land is divided and

the joint owners or tenants in common to which the same is allotted, being as follows:

First. Share or lot number One (1) allotted to T. C. McSwain Thirty (30) acres on the South side of the Southeast-quarter ($SE\frac{1}{4}$) of the Northeast -quarter ($NE\frac{1}{4}$), of Section Nineteen (19), Township Twenty-three (23), Range Fifteen (15) in Chilton County, Alabama,

Also an undivided One-half interest in and to the following described real estate situated in Shelby County, Alabama, to-wit:

The East-Half ($E\frac{1}{2}$) of the Southeast-quarter ($SE\frac{1}{4}$) of Section One (1); and also the East-half ($E\frac{1}{2}$) of the Northeast-quarter ($NE\frac{1}{4}$) and also the Northwest-quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) the East-half ($E\frac{1}{2}$) of the Southeast-quarter ($SE\frac{1}{4}$) of Section Twelve (12), all in Township Twenty-two (22), South of Range One (1) East, and also all of Fractional Section Six (6); and also all of Fractional Section Seven (7); and also all of Fractional Section Eight (8); and also all of Fractional Section Seventeen (17); and also the Northeast-quarter ($NE\frac{1}{4}$) of the Northwest-quarter ($NW\frac{1}{4}$) of Section Eighteen (18) all in Township Twenty-two (22) South of Range two (2) East, all of said lands lying and being in Shelby County, Alabama, but it is expressly understood and agreed that each and all the exceptions and reservations referred or relating to the Alabama Power Company or its associates, and each and all the exceptions, reservations, terms and conditions referring to or relating to lands, timber, roads, extentions, rights, privileges and easements that are set out, referred to or implied in that certain deed of conveyance executed by Pine Tree Lumber Company, a partnership, J. P. VanDerveer, Jr, J. H. Roberts and Lula M. Roberts dated October 20th, 1913, and recorded in Record of Deeds Volume 52, Page 350 in Shelby County, State of Alabama, are hereby expressly reserved and excepted as fully and as particularly as though each were copied in full in this conveyance.

SECOND; Share or Lot Number Two (2) Allotted to Mae Edwards East-half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$); Southeast-quarter ($SE\frac{1}{4}$) all in Section Thirty (30), Township Twenty-three (23), Range Fifteen (15), North-half ($N\frac{1}{2}$) of the Southeast-quarter ($SE\frac{1}{4}$) of Section Nineteen (19), Township Twenty-three (23), Range Fifteen (15); the Northwest quarter of the Northeast-quarter ($NE\frac{1}{4}$) of Section Nineteen (19), Township Twenty-three (23), Range Fifteen (15), all in Chilton County, Alabama.

THIRD; SHARE OR LOT Number Three (3), Allotted to Myrtle Wingo, The East-half ($E\frac{1}{2}$) of the Southwest-quarter ($SW\frac{1}{4}$) of Section Thirty-three (33); the West-half ($W\frac{1}{2}$) of the Southwest-quarter ($SW\frac{1}{4}$); Southeast-quarter ($SE\frac{1}{4}$) of the Southwest-quarter ($SW\frac{1}{4}$); The Northeast-quarter ($NE\frac{1}{4}$) of the Northeast-quarter ($NE\frac{1}{4}$), all in Section Twenty-eight (28) also the North-half ($N\frac{1}{2}$) of the Northeast-quarter ($NE\frac{1}{4}$) and the Northeast-quarter ($NE\frac{1}{4}$) of the Southwest-quarter of Section Thirty-one (31), all in Township Twenty-three (23), Range Fifteen (15), in Chilton County, Alabama.

FOURTH. SHARE OR LOT Number Four (4) Allotted to Helen Roberts and Jane Roberts, jointly. The Southwest-quarter ($SW\frac{1}{4}$) of the Northeast-quarter ($NE\frac{1}{4}$) and the West-half ($W\frac{1}{2}$) of Section Twenty-nine (29) Township Twenty-three (23), Range Fifteen (15), all in Chilton County, Alabama.

FIFTH. SHARE OR LOT NUMBER FIVE (5) Allotted to Raymond C. Roberts. Northeast quarter ($NE\frac{1}{4}$) of the Northeast-quarter ($NE\frac{1}{4}$) West-half ($W\frac{1}{2}$) of the Northeast-quarter ($NE\frac{1}{4}$); the Northwest-quarter ($NW\frac{1}{4}$) and the Southwest-quarter ($SW\frac{1}{4}$) of the Southwest-quarter ($SW\frac{1}{4}$), all in Section Thirty-three (33), Township Twenty-three (23), Range Fifteen (15), Also the West-half ($W\frac{1}{2}$) of the Southwest-quarter ($SW\frac{1}{4}$) less Six (6) acres lying in a square, in the southwest corner of the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$, all of Section Twenty one (21), Township Twenty-one (21) Range Fifteen (15), all in Chilton County, Alabama.

SIXTH. SHARE OR LOT NUMBER SIX (6) Allotted to Lola R. Hall.

Northeast-quarter ($NE\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section Twenty five (25) Township Twenty-three (23), Range Fourteen (14); The North-half of Section Thirty (30) Township Twenty-three (23), Range Fifteen (15); also Southeast-quarter ($SE\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty-three (23) Range Fifteen (15); also Southwest-quarter ($SW\frac{1}{4}$) of the Northwest-quarter ($NW\frac{1}{4}$) of Section Twenty-eight (28) Township Twenty-three (23), Range Fifteen (15), all in Chilton County, Alabama.

SEVENTH. SHARE OR LOT NUMBER SEVEN (7). Allotted to Edna Roberts. The Southwest-quarter ($SW\frac{1}{4}$) of the Southeast-quarter ($SE\frac{1}{4}$) and the West-half ($W\frac{1}{2}$) of Section Nineteen (19), Township Twenty-three (23), Range Fifteen (15), and the North-half ($N\frac{1}{2}$) of the North-west quarter ($NW\frac{1}{4}$) of Section Thirty-two (32), Township Twenty-three (23) Range Fifteen (15); also,

Beginning at the Southwest corner of the Northwest quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section Thirty six (36) Township Twenty-two (22) Range Fourteen (14) running thence East Three hundred Seventy (370) yards, thence north One hundred Thirty one (131) yards, thence West Three hundred Seventy (370) yards, thence South One hundred Thirty-one (131) yards to the point of beginning, less that part lying west of public road, if any, being in the north west quarter ($NW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of Section Thirty six (36) Township Twenty-two (22) Range Fourteen (14), all in Chilton County, Alabama.

EIGHTH. SHARE OR LOT NUMBER EIGHT (8) Allotted to N. L. Roberts. Six (6) acres lying in a square in the Southwest corner of the Southwest-quarter ($SW\frac{1}{4}$) of the Southwest-quarter ($SW\frac{1}{4}$) of Section Twenty-one (21), Township Twenty-one (21) Range Fifteen (15): Northeast-quarter ($NE\frac{1}{4}$) of the Southwest-quarter ($SW\frac{1}{4}$) and the North-half ($N\frac{1}{2}$) of the Southeast-quarter ($SE\frac{1}{4}$) of Section Twenty (20) Township Twenty-one (21), Range Fifteen (15), all of the Southeast-quarter ($SE\frac{1}{4}$) of the Southeast-quarter ($SE\frac{1}{4}$), which is bounded on the South by Tan Trough Creek Branch, being 30 acres more or less, in Section Twenty (20) Township Twenty-one (21), Range Fifteen (15); also, The Southeast-quarter ($SE\frac{1}{4}$) of the Southeast-quarter ($SE\frac{1}{4}$) of Section Thirteen (13), Township Twenty-one (21), Range Fifteen (15), and the Southwest-quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section Eighteen (18), Township Twenty one (21), Range Sixteen (16) all in Chilton County, Alabama.

NINTH. SHARE OR LOT NUMBER NINE(9) Allotted to James H. Roberts, Jr. The East-half ($E\frac{1}{2}$) of the Northwest-quarter ($NW\frac{1}{4}$) of Section Five (5), Township Twenty (20), Range Sixteen (16): The East-half ($E\frac{1}{2}$) of the Southwest-quarter and the Southwest quarter of the Southwest-quarter ($SW\frac{1}{4}$) and all that part of the Northwest-quarter ($NW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) lying South of the main run of Chestnut Creek, all in Section Eighteen (18), Township Twenty-one (21) Range Fifteen (15); Also Lots Two (2) and Three (3) in Block Number Ten (10) of the Gowan addition to the Town of Clanton, Chilton County, Alabama, as shown by the official map or plat of said Gowan addition to said Town of Clanton, Alabama, on record in the office of the Judge of Probate of Chilton County, Alabama.

Also the following described lot or parcel of land, situated west of the L. & N. Railroad, in the Town of Clanton, Chilton County, Alabama: Commencing at a point Sixty-five (65) feet West of the Southeast Corner of Black number Seven (7) according to the official map of the said Town of Clanton, Alabama, and running in an Easterly direction to the Southeast corner of said Lot number Seven (7), thence in a Northernly direction along Ninth Street One hundred Sixty (160) feet, thence at right angles in a Westerly direction One hundred Fifty (150) feet, thence in a southeasterly direction

to the point of beginning, all in Chilton County, Alabama.

And it further appearing that said shares or lots were divided and allotted to the respective joint owners or tenants in common of said land by said Commissioners, by lot, and that said division or partition was made in every respect in compliance with the law in such cases and the terms and conditions of the decree of this Court in this cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the title in fee simple in the respective shares or lots, as above set-forth be, and the same is hereby vested in the respective parties to whom the same was allotted by said Commissioners, as above set forth, in this decree, as fully and completely as if each had conveyed to the other, subject to the provisions contained in this decree.

And it further appearing to the Court that this partition is of lands devised by the last Will and Testament of James H. Roberts, deceased, as directed in said will, and that the administration of his said estate and last Will and Testament is now pending in this County, and that certain debts or charges of said estate are now unpaid, but that with the exception of the payment thereof, said estate is ready for a final settlement;

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the division and partition made by this decree and the vesting of the title to the lands as herein provided, shall be subject to any lien, claim or charge against said land which may arise by virtue of the administration of said estate of, or Last Will and Testament of, James H. Roberts, deceased, and for the purpose the satisfaction of any such lien, claim or charge against said land, jurisdiction of this cause is hereby reserved for the further decree of this Court.

It is further ordered, adjudged and decreed by the Court that the Complainants pay pay the costs of this suit, to be taxes by the Register, for which let execution issue.

Decreed this the 6th day of June, 1934.

R. B. Carr, Judge

I, W. D. Spigener, Register for said Court in Equity, do hereby certify that the foregoing is a correct copy of the Original decree rendered by the Judge in the cause stated therein, which said decree is enrolled and on file in my office.

Witness my hand and seal, this 20th day of February, 1935.

W. D. Spigener, Register of the Circuit

Court in Equity.

(Seal)

Filed for record in this office the 29th day of October, 1938 at 10 AM and recorded in Deed Record #105 on page 359 and examined.

L. C. Walker, Judge of Probate