

DECREE

988

DEED 3380 PAGE 38
NO. 54595

BEATRICE ADAMS, ET AL,
Complainants

-vs-

NELLIE WOOD, ET AL,
Respondents.

CIRCUIT COURT, TENTH JUDICIAL
CIRCUIT OF ALABAMA IN EQUITY.

DECREE CONFIRMING AGREEMENT

THIS CAUSE, coming on to be heard is submitted for final decree upon agreement, in writing, of the parties filed in said cause on the 29th day of October, 1942.

The bill was originally filed praying for a partition of lands in Jefferson and other Counties, within the State of Alabama, and in the alternative, for a sale for division. During the pendency of said cause the parties agreed with each other in writing, and filed said agreement as aforesaid in said cause, which agreement, among other things, sets out the parcels of land which each party, or group or parties hereto agreed to accept title to as shown therein.

The court having considered and understood said agreement is of the opinion that it should be ratified and confirmed. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the agreement of said parties heretofore filed in said cause on the 29th day of October, 1942, be and the same is hereby ratified and confirmed and marked "Exhibit A" to this decree and attached thereto and incorporated herein as a part of this final decree in said cause. It is, further,

ORDERED, ADJUDGED AND DECREED by the Court that all the right, title, interest and claim to the separate and several parcels of land set out in said agreement as the property to go to Beatrice Adams, being parcels numbered from 1 to 8, both inclusive in said agreement, incorporated herein, be and the same is hereby divested out of all of the other parties to said cause and all of the right, title, interest and claim of the other parties to said cause to said parcels of land be and the same is hereby invested in the said Beatrice Adams. It is further,

DEED 3380 PAGE 39

ORDERED, ADJUDGED AND DECREED by the Court that all the right, title, interest and claim to the separate and several parcels of land set out in said agreement as the property to go to Nellie Wood, being parcels numbered from 1 to 12, both inclusive in said agreement, incorporated herein, be and the same is hereby divested out of all of the other parties to said cause and all of the right, title, interest and claim of the other parties to said cause to said parcels of land be and the same is hereby invested in the said Nellie Wood. It is, further,

ORDERED, ADJUDGED AND DECREED by the Court that all the right, title, interest and claim to the separate and several parcels of land set out in said agreement as the property to go to Rosa G.

Lowery, being parcels numbered from 1 to 11, both inclusive in said agreement, incorporated herein, be and the same is hereby divested out of all of the other parties to said cause and all of the right, title, interest and claim of the other parties to said cause to said parcels of land be and the same is hereby invested in the said Rosa G. Lowery. It is, further,

ORDERED, ADJUDGED AND DECREED by the Court that all the right, title, interest and claim to the separate and several parcels of land set out in said agreement as the property to go to Mrs. Annie Moore, William T. Moore, Lawrence A. Moore, James Moore, Joseph Moore, and Katherine Moore Bonham, being parcels numbered from 1 to 8 both inclusive in said agreement, incorporated herein, be and the same is hereby divested out of all of the other parties to said cause, and all of the right, title, interest, and claim of the other parties to said cause to said parcels of land be and the same is hereby invested in the said Mrs. Annie Moore, William T. Moore, Lawrence A. Moore, James Moore, Joseph Moore, and Katherine Moore Bonham, share and share alike.

Court costs accrued in said cause are hereby taxed against the parties to said cause for the collection of which let execution issue.

DONE AND ORDERED: this the 9th day of December, 1942.

E. M. Creel.
Circuit Judge
In Equity Sitting.

DEED 3380 PAGE 40

Beatrice Adams, et al.,

-VS-

Nellie Wood, et al.,

)
)
)
)
)

IN CHANCERY COURT,

BIRMINGHAM, ALABAMA

NO. 54595.

EXHIBIT "A"

AGREEMENT OF DIVISION.

Agreement to be entered as a final decree in this Cause.

In this case, since the filing of the bill in this Court means the sale of this property, and since, we, the heirs, are most anxious to secure a settlement that is fair to all the parties interested without the necessity of the risk of a sale, and consequently have made another serious effort to effect a compromise agreement, and have reached the following agreement, and ask that the same be made an order of the court, as a muniment of title to all parties concerned.

And since William Moore, deceased, through whom all the parties claim, owned other lands in four different and separate counties from Jefferson, it has been found expedient to include also these four tracts, so that this agreement will include all the property belonging to William Moore, and when made final by order and decree of the Court, will settle all matters of both the personal and real property of the said William Moore.

I.

It is agreed that this settlement also includes all the interest that Charlotte Moore, deceased, wife of William Moore, had in the property mentioned below, all of which is included in this division.

II.

The said William Moore and wife, Charlotte, left surviving them four children or the heirs of same, namely:

Beatrice Adams, Rosa G. Lowery, Nellie Wood,

Also the five children of James B. Moore, the other heir of William Moore, who is dead, and his widow, Mrs. Annie Moore, who by will of

William Moore, was left a share, one sixth, or that part that would have belonged to her husband, James B. Moore, so that she and her five children take the share, that would have belonged to James B. Moore, if living,

Those five children are: William T. Moore, Lawrence A. Moore, James Moore, Joseph Moore, Katherine Moore Bonham.

III.

It is agreed that this division recognizes that the settlement is a fair one to all concerned, and that each of the four original shares hereby receives as much as Thirty Seven hundred and Fifty dollars (\$3750), valuing the whole estate at (\$15,000) Fifteen Thousand dollars, and that the hereinafter mentioned division divides the property as a whole into only four tracts, and that the said Mrs. Annie Moore, William T. Moore, Lawrence A. Moore, James Moore and Joseph Moore, and Katharine Moore Bonham, take the one fourth set apart to the widow and heirs of the said James B. Moore, as tenants in common, each owning one sixth, and that this division makes no attempt to subdivide the said one fourth interest between the six equal owners of same.

IV.

It is agreed that Beatrice Adams shall receive:

1. Lot numbered fourteen (14) in Block Numbered Eight (8) according to the map and survey of "Helena Heights", as made by the Helena Heights Land Company, and recorded in Map Book 5, page 113 in the office of the Probate Judge of Jefferson County, Alabama. All mineral and mining rights are reserved and excepted from the operation of this instrument.

2. Lot numbered (2) in Stephens Sullivan's plat of land being in the SW corner of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3, W, located in what was formerly Pratt City, but now in the City of Birmingham, Alabama, coal and mineral rights excepted. Recorded in Map Book 3, page 79, in the office of the Probate Judge of Jefferson County, Alabama.

DEED 3380 PAGE 41

3. North half of Lot numbered 6, Block 3, according to survey of Amos Going, Map Book 8, pages 33 and 34 in the office of the Judge of Probate of Jefferson County, Alabama, being a part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 20, Township 17, Range 3 W., and described as follows: Beginning at SE corner of said lot # 6 in Block Number 3, run north 365-1/3 feet, thence West 118 feet, thence S. 365-1/3 feet along side right of way of Tennessee Coal and Iron and R.R. Company to Going Street, thence east on Going Street 42 5/6 feet to point of beginning.

It is intended that this instrument is meant to convey the N. half of said lot.

4. Commencing 387-1/2 feet West of SE corner of Block 5 Amos Going Survey, running thence N. 104.5 feet to Beatrice Street thence West 50 feet along said street to point of beginning, thence west 50 feet along said Street, thence South 104.5 feet to Hattie Street, thence east 50 feet, thence 104.5 feet N. to point of beginning, according to Map and Survey of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3, West, made by Corey and Hall for Amos Going. See also Map Book 2, page 36, Office of Probate Judge's Office of Jefferson County, Alabama.

All these properties in Jefferson County, Alabama.

5. Begin NW corner of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3 West thence East 195 feet to point of beginning thence South 370 feet thence West 178 feet thence North 381 feet along side of Birmingham southern Railway Right of Way to Quarter line thence West 86 feet to point of beginning situated in Jefferson County, Alabama.

6. SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, Township 19, Range 1, East, Shelby County, Alabama, containing 40 acres more or less.

7. SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, Township 16, Range 8, Calhoun County, Alabama, containing 10 acres more or less.

8. N. 1/3, (13 1/3 Acres) of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 22, Township 5, Range 7, West, Lawrence County, Alabama, fronting on the Highway.

V.

It is agreed that Nellie Wood shall receive:-

1. One Five Room house in Fairfield, 300 29th Street, Palmer Ave., being Lot # 17, Block 4, according to the Map and Survey of the property of Corey Land Company, known as the first subdivision of Corey as recorded in Volume 8 of Maps in the office of the Probate Judge of Jefferson County, Alabama, on pages 33 and 34, Located in Jefferson County, Alabama.

2. Lot 18, Block 54 according to the Birmingham Ensley Land and Improvement Company's Survey as shown and designated on the duly recorded plat thereof in Volume One of Maps on Page 245 in the Office of Judge of Probate of Jefferson County, Alabama. Lot located in Jefferson County, Alabama.

3. Lot Three (3) in Stephen Sullivan's Survey, being in the SW corner of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 20, Township 17, Range 3 W., located in what was formerly Pratt City, but now a part of Birmingham, Alabama, Jefferson County, coal and mineral rights excepted. Recorded in Map Book 3, Page 79, in the office of the Judge of Probate of Jefferson County.

4. Commencing 387-1/2 feet West of S.E. corner of Block 5, Amos Going Survey, to point of beginning, thence N. 104.5 feet to Beatrice Street, thence West 50 feet along said Street, thence ^{South} 104.5 feet to Hattie Street, thence East 50 feet to point of beginning, according to Map and Survey of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3, W., made by Corey and Hull for Amos Going. See Map Book 2, page 36, office of Judge of Probate, Jefferson County, Alabama, located in Jefferson County, Alabama.

5. West half of Lot 4, Block 15, according to Ensley Land Company's Addition to Pratt City, See Map Book 4, page 7 of Office of Judge of Probate, Jefferson County, Alabama, lying in Jefferson County, Alabama.

6. Lot number 9, in Block 2, according to the map of Ensley Terrace, being a resurvey Blocks 1, 2, 3, 4 of Shady Side as per resurvey of said Blocks, made by Bethel W. Whitson, civil engineer, situated in the N.W. $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 17, Range 3, W., as recorded in Map Book 13, Page 65 in the office of the Probate Judge of Jefferson County, and located in Jefferson County, Alabama.

7. Lot 18, Block 51, according to Birmingham-Ensley Land and Improvement Company's survey, as recorded in Map Book One (1), Pages 209 and 245 in the office of the Probate Judge of Jefferson County, Alabama, and located in Jefferson County, Alabama.

8. Lots 4, 5 and 6 of the William Moore Survey, so listed in the tax books, but the survey does not seem to appear on the individual map books of the County. Said lots are in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3, West of Jefferson County, Alabama.

All above property situated in Jefferson County, Alabama.

9. Lots 33 and 34, Block 4, Brabson Park, in Colbert County, Alabama, this subdivision being in the County of Colbert and the State of Alabama, known and designated according to the Map and Survey of said Brabson Park Subdivision, made by P.S. Milner, C.E., and filed for record in the office of the Probate Judge of Colbert County, Alabama, Map Book 2, page 81, being a part of W. $\frac{1}{2}$ of W. $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 22, Township 3, Range 10, Colbert County, Alabama.

10. The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 19, Range 1, E. of Shelby County, Alabama, consisting of 40 acres, more or less. Shelby County, Alabama.

11. NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 17, Township 16, Range 8, in Calhoun County, Alabama, consisting of 10 acres, more or less.

12. South one third, approximately 13-1/3 acres of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 5, Range 7, W. in Lawrence County, Alabama, fronting on the Highway.

VI.

It is agreed that Rosa G. Lowery shall received the following:-

1. Lots 2, 3, and 4, according to the Survey of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, Township 17, Range 4, West made for B. W. May by J. A. Ray, County Surveyor, on the 8th of September, 1887, and recorded in Map Book 1, page 115, Office of Judge of Probate of Jefferson County, Alabama, containing 7 acres, lying in Jefferson County, Alabama, but not the mining and mineral rights.

2. South half of Lot 6, Block 3, according to survey of Amos Going as recorded in Map Book 8, pages 33 and 34 in the office of the Judge of Probate of Jefferson County, Alabama, being a part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3 W., and described as follows:

"Beginning at SE corner of said lot 6 in Block 3, and running North 365-1/3 feet, thence West 118 feet, thence South 365-1/3 feet along side of right of way of Tennessee Coal, Iron and R.R. to Going Street,

thence east of Going Street 42-5/6 feet to point of beginning." It is understood that this conveys the S. half of said lot.

3. Lots 5 and 6 of Stephen Sullivan's Plat of land, being in the SW Corner of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3 West, located in what was formerly Pratt City, but now a part of the City of Birmingham, Alabama. Coal and Mineral rights excepted. Recorded in Map Book 3, page 79 in the office of the Probate Judge of Jefferson County, Alabama.

4. Lot 8, Block H, according to Map and Survey of North Highlands Addition to Pratt City as recorded in Map Book 3, page 114 in the office of the Judge of Probate of Jefferson County, Alabama, located in said State and County. Mineral and mining rights reserved.

5. Lots 21 and 22 in Block 4 being a rectangle fronting 50 feet on West side of Ann Avenue, and running back 140 feet to an alley in Tuxedo Park. See deed registered in office of Judge of Probate of Jefferson County, Alabama, Vol. 2544, page 521.

6. Lots 8 and 9, William Moore Survey, situated in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, Township 17, Range 3, West, Jefferson County, Alabama. See tax books of Jefferson County for more adequate description.

7. Lots # 9, Feagin's subdivision, Addition to Pratt Mines, as recorded in Map Book 3, page 54, in the office of the Judge of Probate of Jefferson County, located in Jefferson County, Alabama.

8. Beginning at SW corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 20, Township 17, Range 3 W., thence east 289 feet down the middle of roadway to point of beginning, thence North 214.4 feet, thence east 70 feet, thence south 209.8 feet along Birmingham Southern Right of way, thence West 80 feet down middle of roadway to point of beginning, situated in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3 W., and lying in Jefferson County, Alabama.

All above property situated in Jefferson County, Alabama.

9. NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 12, Township 19 Range 1, East, in Shelby County, Alabama, of approximately 40 acres.

10. NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, Township 16, Range 8 of Calhoun County, Alabama, approximately 10 acres.

11. Middle 13 1/3 acres, approximately of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 5, Range 7, West, Lawrence County, Alabama, fronting on the highway.

VII.

It is agreed that the following be assigned to Mrs. Annie Moore, William T. Moore, Lawrence A. Moore, James Moore, Joseph Moore, and Katherine Moore Bonham, as equal tenants in common:-

1. Lot # 8 in Block 1, according to the revised map and survey of the property of Corey Land Company, known as the first subdivision of Corey, as recorded in Vol. 9, of Maps on page 15 in the office of the Judge of Probate of Jefferson County, and, located in Jefferson County, Alabama.

2. Commencing at NW corner of NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, Township 17, Range 3 W., and running thence east 626.34 feet, thence S. 417.45 feet for point of beginning, thence W. 100 feet, thence north 50 feet, thence east 100 feet, thence S. 50 feet to point of beginning, and being the property heretofore intended to be conveyed by Tennessee Watley and husband to Samuel Latham, and by Samuel Latham and wife to Walter Owens, situated in Birmingham, Jefferson County, Alabama.

And also a lot or parcel of land described as follows:

Commencing at the NW corner of Section 34, Township 17, Range 3, W., thence east 417.64 feet, thence S. 417.45 feet to point of beginning, thence east 108 feet, thence north 50 feet, thence west 108 feet, thence south 50 feet to point of beginning, lying in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34, Township 17, Range 3 W., being SW corner of the Lot conveyed by Mrs. Mary Parry to Tennessee Whatley, recorded on July 8, 1899, Vol. 247, Page 339, records of deeds in the office of the Judge of Probate of Jefferson County, Alabama, in Jefferson County, Alabama.

3. Lots 4 and 7 Steve Sullivan Survey, being in the SW corner of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Township 17, Range 3 W. located in what was formerly Pratt City, but now a part of Birmingham, Alabama, coal and mineral rights excepted. See Map Book 3, page 79, in the office of the Probate Judge of Jefferson County, Alabama.

4. Commencing 387½ feet west of SE corner of Block 5, Amos Going Survey, thence North 104.5 feet to Beatrice Street, thence West 100 feet, along said street to point of beginning, thence West 50 feet, thence south 104.5 feet to Hattie Street, thence east 50 feet, thence North 104.5 feet to point of beginning, according to Map and Survey of NE¼ of SW¼ of Section 20, Township 17, Range 3 W., according to survey registered in Book 2 of Maps, Page 36, in Office of Probate Judge of Jefferson County and located in Jefferson County, Alabama.

5. Beginning at SW corner of NE¼ of SW¼ of Section 20, Township 17, Range 3 W., thence east 209 feet down middle of roadway to point of beginning, thence North 214 feet, thence east 70 feet, thence S. 214.4 feet, thence West 80 feet down the middle of roadway to point of beginning. Situated in NE¼ of SW¼ of Section 20, Township 17, Range 3 W., Jefferson County, Alabama. All above property situated in Jefferson County, Alabama.

6. SW¼ of NE¼ of Section 12, Township 19, Range 1, E., in Shelby County, Alabama, containing 40 acres more or less.

7. SE¼ of SW¼ of SE¼ of Section 17, Township 16, Range 8, in Calhoun County, Alabama, containing 10 acres, more or less.

8. 15 acres of northern one half of NE¼ of SW¼, being all of said northern one half except 5 acres on the western end. In Lawrence County, Alabama. Sec. 22, Twp 5. R. 7. W.

VII.

Therefore the parties hereto, representing all the interest of the William Moore and Charlotte Moore Estated, asks that this division be confirmed as an order of the Court, and that certified copies of same be delivered to such of the parties as may desire same, on payment of legal fees therefor.

In Testimony the parties have hereunto set their hands, this the ____ day of _____ 1942.

William Thomas Moore,

Beatrice Adams,

Lawrence A. Moore,

Rosa G. Lowery,

Katherine Moore Bonham

Nellie Wood,

James Moore,

Mrs. Annie Moore,

Joseph Moore,

BY-----

Mrs. Annie Moore,

Attorney in fact for Joseph Moore.

Instrument appointing attorney in fact , Vol. 3345, page 417. Office of Judge of Probate, Jefferson Co. Alabama.

FILED IN OFFICE OCT. 29, 1942.

G. H. BOYD, REGISTER.

I, G. H. Boyd, as Register of the Circuit Court, Tenth Judicial Circuit of Alabama, do hereby certify that the foregoing is a true, correct and full copy of the instrument---herewith set out as appears of record in said Court. WITNESS my hand and the seal of said Court, this the 10 day of Dec. 1942.

G. H. Boyd
Register

FILED IN OFFICE FOR RECORD, THIS THE DEC 15 1942 AND DULY RECORDED IN VOL DEED 3380 PAGE 38 H. R. HOWZE,
JUDGE OF PROBATE.

STATE OF ALABAMA

JEFFERSON COUNTY

This is to certify that our records show that a deed tax of \$10.50 has been paid on Decree filed in this office on December 15, 1942, from Beatrice Adams, et al to Katherine Moore Bonham, et al, and recorded in Volume 3380, page 38. Opinion from Attorney General dated February 2, 1943, and ruling from State Department of Revenue dated March 4, 1943, and distribution dated March 9, 1943.

Given under my hand and seal of office this the 11th day of March, 1943.

SEAL

Yours very truly,

H. R. Howze
Judge of Probate

Filed in the office of the Probate Judge the 16th day of January, 1943 at 1 o'clock P. M. and recorded
in the Deed Record 114 on page 404 on this the 12th day of March, 1943.

L. C. Walker,

Judge of Probate

NO TAX DUE ON THIS INSTRUMENT
