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IN THE MATTER OF:

ESTATE OF JAMES LAWRENCE
BROWNLEE, III, DECEASED

IN THE CIRCUIT COURT OF THE

TENTH JUDICIAL CIRCUIT

OF ALABAMA IN

EQUITY

NO. 150-068

DECREE ON PETITION TO SELL PARTNERSHIP
LAND

This cause came on to be heard orally before the Court on the petition of Gordon Morrow, as executor of the estate of James Lawrence Brownlee, III, deceased, for the sale of unimproved property of the decedent, in which the decedent owned an undivided one-half (1/2) interest.

At the hearing, there were present, counsel of record for said executor and Wayne Wheeler, who acted in his capacity as guardian ad litem for Beverly Gayle Brownlee, minor child of the decedent. Also, it is noted that a general appearance was made in this cause by Beverly Coco Brownlee, widow of the decedent, by Answer and Waiver filed herein, in which the said widow consents to the prayer of the petition, she claiming to own an undivided interest in the subject real estate with the aforesaid minor child.

It also appeared from "The Petition to Sell Partnership Lands", which was sworn to by Gordon Morrow, the executor, that the said Gordon Morrow owned individually, an undivided one-half (1/2) interest in and to the subject property, and was a partner in interest with the decedent of the land in question.

From the agreed facts developed at this hearing, and from the pleadings and written testimony as noted by the Register, it has become apparent to the Court that the real property of the decedent cannot be equitably divided between the owners thereof, and should be sold at private sale, it being made known to the Court that Gordon Morrow, individually, has offered to purchase the aforesaid minor's interest in the subject property for Five Hundred Dollars (\$500.00), plus the assumption and payment of the

balance due on the purchase money mortgage encumbering the same, and also to purchase the aforesaid widow's interest by assuming and paying the said outstanding purchase money mortgage encumbrance.

Accordingly, it is CONSIDERED, ORDERED, ADJUDGED, AND DECREED as follows:

ONE: The executor's said "Petition to Sell Partnership Lands", as filed on February 20, 1970, is well taken, and is hereby granted. It is to the best interest of the decedent's estate, and particularly, in the best interest of the minor beneficiary thereof, Beverly Gayle Brownlee, that the lands of the decedent hereinafter described be sold at private sale to Gordon Morrow, individually, for Five Hundred Dollars (\$500.00), and the assumption and payment by the purchaser of the mortgage encumbrance against the subject property, and the proceeds from said sale shall be held by the executor, and the total amount thereof allocated to the distributive share of the said minor child; and said private sale is hereby allowed and ordered.

TWO: That the executor of this estate is hereby authorized and empowered to sell to Gordon Morrow, individually, for Five Hundred Dollars (\$500.00) cash, and the assumption and payment by the purchaser of that certain mortgage on the subject property in favor of Edna Wald and Mildred Wald in the principal amount of Thirty-five Thousand Dollars (\$35,000.00), which mortgage is recorded in Book 312, Page 263, in the Probate Office of Shelby County, Alabama, all of the decedent's right, title, and interest in and to the real estate described as follows:

A parcel of land located in the NW 1/4 of the SE 1/4 of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the SW corner of said 1/4-1/4 Section and run in a northerly direction along the westerly line of said 1/4-1/4 section a distance of 653.70 feet for the point of beginning; from such point of beginning, continue in a northerly direction along the aforesaid westerly line for a distance of 515.16 feet to a point on the Southwesterly right-of-way line of Old Alabama Highway 280; thence turn an angle of 119°08' to the right, and run in a Southeasterly direction along said right-of-way line, a distance of 569.07 feet; thence turn an angle of 90° to the right, and run in a Southwesterly direction a distance of 430 feet; thence turn an angle of 76°41' to the right and run in a northwesterly direction, a distance of 101.98 feet; thence 11°19' right, in a Northwesterly direction, a distance of 218.25 feet to the point of beginning; containing 4.5601 acres, more or less.

THREE: That pursuant to the agreement of the parties, and the consent to this sale as noted in the pleadings filed by Beverly Coco Brownlee, widow of the decedent, it is further ordered that the said Beverly Coco Brownlee shall either join in the subject conveyance with the executor or convey by separate instrument, all of her right, title, and interest in and to the above described real estate to the said Gordon Morrow, individually.

FOUR: That the said Beverly Coco Brownlee shall not share in the cash proceeds realized from this sale; that there shall be no expenses or prorations of any kind deducted therefrom, and that the entire proceeds shall be held by the executor in the executor's account pending a final settlement of this estate or further orders of this Court.

FIVE: That the Register of this Court shall cause a certified copy of this decree to be issued and the same shall be recorded in the Office of the Probate Judge of Shelby County, Alabama.

SIX: That pending further orders of this Court, this cause be, and hereby is, reserved for such other or further orders and decrees as may be by the Court deemed necessary and appropriate.

DONE AND ORDERED, this the 27 day of March, 1970.

WM. C. BARBER

Circuit Judge in Equity Sitting

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