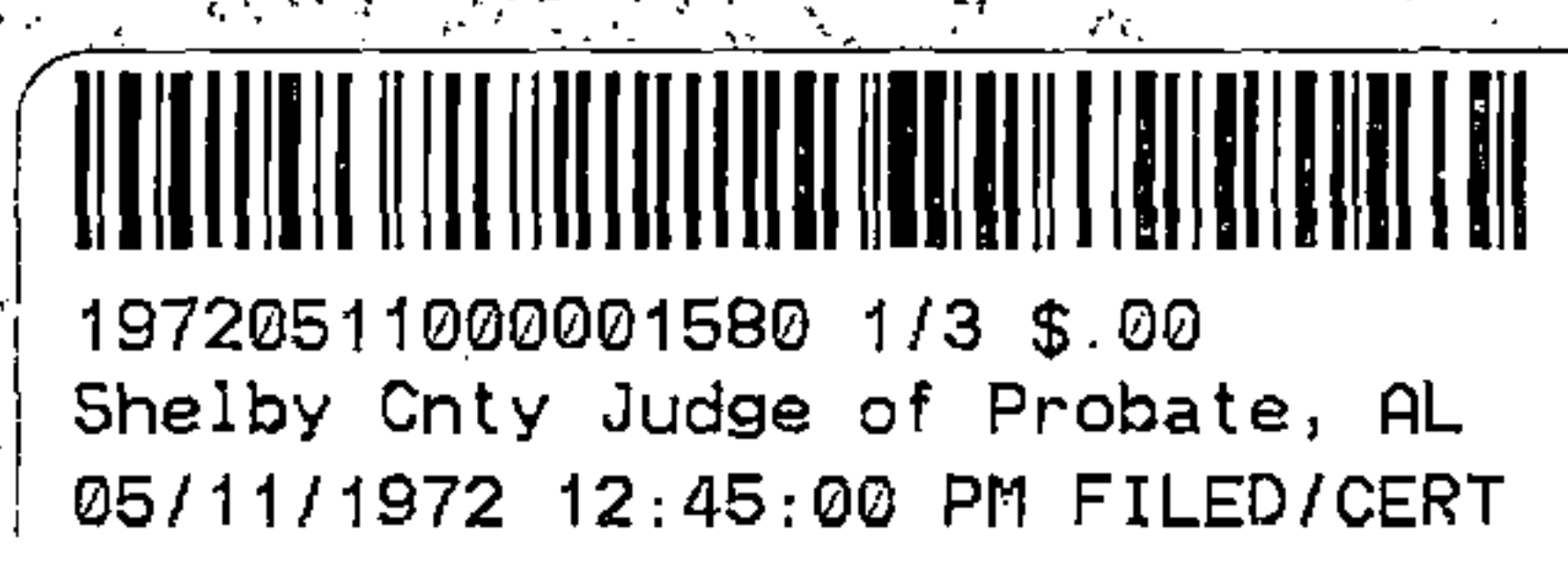


GROVER C. PETERS, and
BETTY H. PETERS,
COMPLAINANTS

VS.

MADGE ROY EDDINGS, RAYMOND
LEON EDDINGS, and JOE HAROLD
EDDINGS,
RESPONDENTS

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
IN EQUITY, CASE NO. 4641



FINAL DECREE

This cause now coming on for Final Decree upon the Complainants's Bill of Complaint, the Answer of Respondents, as Amended, and upon the other pleadings and proof, as noted by the Register, and upon the testimony of the witnesses which was given ore tenus in open Court and the various exhibits and documents introduced into evidence in this cause in connection with said testimony, and the Court, having considered and understood the same, is of the opinion that the Complainants are entitled to relief prayed for in their Bill of Complaint, the Court finding as fact the following:

1. That at the time of the filing of the Bill of Complaint in this cause, the Complainants were the owners of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West, and the Respondents were the owners of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West, Shelby County, Alabama, and that hence, the Complainants and Respondents were co-terminus land-owners.

2. That at the time of the filing of the Bill of Complaint in this cause, neither the Respondents nor their predecessors in title had acquired any part of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West from the Complainants or their predecessors in title by adverse possession or otherwise, and that the fence which the Respondents were then maintaining and which said Respondents represented to mark the location of the true and correct boundary line between said property of the

Complainants and said property of the Respondents, did not in fact mark the true and correct boundary line between said property of the Complainants and said property of the Respondents, but instead, was situated entirely upon the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West, the property of the Complainants, as aforesaid; that said fence was originally built, and subsequently maintained up until the time when the dispute arose in this cause between the Complainants and the Respondents, with the consent and the permission of the Complainants's predecessors in title, and that the possession of that part of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 1 West, lying West of said fence by the Respondents was not hostile and adverse until the Respondents's predecessor in title refused to allow said fence to be removed, which was less than 10 years prior to the filing of the Bill of Complaint in this cause.

And it having been made known to the Court by the Solicitor for the Complainants and by the Solicitor for the Respondents that, subsequent to the time when the evidence was submitted to the Court in this cause, the Complainants and the Respondents have agreed among themselves that the true and correct boundary line between their respective parcels, as designated above, is the extension and further continuation of an existing fence which is situated at or near the West line of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West in a Southerly direction and in a straight line to a point which would be on the line of an extension of an existing fence at or near the West line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West, and that the Complainants have erected a new fence on and along said line which has been agreed upon among the Complainants and the Respondents to mark the true and correct boundary line between their respective parcels.



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Shelby Cnty Judge of Probate, AL
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IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED
by the Court as follows:

A. That the true and correct boundary line between the
respective parcels of the Complainants and of the Respondents
is the line as marked by the new fence which the Complainants
have erected and which has been agreed upon among the Complai-
nants and the Respondents, and that the Complainants are the
owners of and are entitled to the possession of all land des-
cribed lying adjacent to and to the East of said fence, and
that the Respondents are the owners of and are entitled to the
possession of all land lying adjacent and to the West of said
fence.

B. That a copy of this Decree certified as being true and
correct by the Register of this Court be recorded by the Register
of this Court in the Office of the Judge of Probate of Shelby
County, Alabama, and that said Decree be indexed in the names
of the Complainants and Respondents to this cause on both the
direct and indirect indexes.

C. That the costs of Court accrued in this cause be, and the
same are hereby, taxed against the Respondents, for which let
execution issue.

DONE AND ORDERED this 9th day of MAY, 1972.



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Shelby Cnty Judge of Probate, AL
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Kenneth DeGraaf
Circuit Judge

FILED IN OFFICE, This the 10 day
of May 1972

Kyle Lansford
Register Circuit Court of
Shelby County, Alabama

U.C.C. FILE NUMBER OR
REC. EX. 2 PAGE AS SHOWN ABOVE

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STATE OF ALA. SHELBY CO.
CLERK OF THE COURT
INSTRUMENT WAS FILED