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C. J. GLAZE AND WIFE,
DOROTHY GLAZE,

Complainants

vs.

HENRY DAVIS, HAROLD G. JONES
AND WIFE, BETTY K. JONES,

Respondents

) IN THE CIRCUIT COURT,
) EIGHTEENTH JUDICIAL CIRCUIT
) OF THE STATE OF ALABAMA,
) IN EQUITY

CASE NO. 5230

FINAL DECREE

There has been presented to this Court a Stipulation of Facts and Settlement Agreement entered into and executed by the Complainants and each Respondent, which is hereby accepted by the Court and the terms of said Agreement are hereby approved.

It is, therefore, Ordered, Adjudged and Decreed that the terms of said Stipulation of Facts and Settlement Agreement are herein incorporated into this Final Decree:

1. The said road, which is the subject matter of this suit, is declared to be a public road by the Complainants and the Respondents hereto and the Complainants and the Respondents hereby agree that said declaration is binding on their heirs and assigns.

2. The Respondents are hereby permanently enjoined from obstructing this public road in any manner and are permanently prohibited from interfering with the Complainants' use of said public road.

3. The Respondent Henry Davis is hereby ordered to remove said fence from across said public road at his own expense.

4. The Complainants have hereby agreed to waive their claim for attorney's fees against the Respondents in regard to this litigation.

5. The Stipulation of Facts and Settlement Agreement and this Final Decree is ordered to be recorded in the Land Records of the Probate Court of Shelby County, Alabama.

6. The Respondent Henry Davis is hereby ordered to pay the court costs in this case, for which let execution issue.

Done this 11th day of July, 1973.

James H. Sharbut
Circuit Judge, In Equity Sitting

FILED IN OFFICE, This the 11th day
of July 1973

Kyle Linsford

Register Circuit Court of
Shelby County, AL



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Shelby Cnty Judge of Probate, AL
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DOROTHY GLAZE,

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HENRY DAVIS, HAROLD G.
JONES AND WIFE, BETTY
K. JONES,

Respondents

IN THE CIRCUIT COURT,
EIGHTEENTH JUDICIAL CIRCUIT
OF THE STATE OF ALABAMA,
IN EQUITY

CASE NO. 5230

STIPULATION OF FACTS AND SETTLEMENT AGREEMENT

Come now Your Complainants, C. J. Glaze and wife, Dorothy Glaze, Your Respondent, Henry Davis, and Respondents, Harold G. Jones and wife, Betty K. Jones, and represent unto Your Honor as follows:

Complainants are the owners under that certain warranty deed recorded in Book 246 at Page 911, Office of the Judge of Probate, Shelby County, Alabama, of the following described tract of land situated in Shelby County, Alabama, being more specifically described as follows:

SE 1/4 of NE 1/4 of Section 8, Township 18,
South, Range 2 East, Shelby County, Alabama.

Respondent, Henry Davis, is the owner of the following described tract of land situated in Shelby County, Alabama, being more specifically described as follows:

That part of the SW 1/4 of SE 1/4, Section
5, Township 18 South, Range 2 East, Shelby
County, Alabama, lying and being south of
the Pumpkin Swamp Road, and

NW 1/4 of NE 1/4, Section 8, Township 18,
South, Range 2 East, Shelby County, Alabama.

Respondents, Harold G. Jones and wife, Betty K. Jones, are the owners of the following described real property situated in Shelby County, Alabama, being more specifically described as follows:

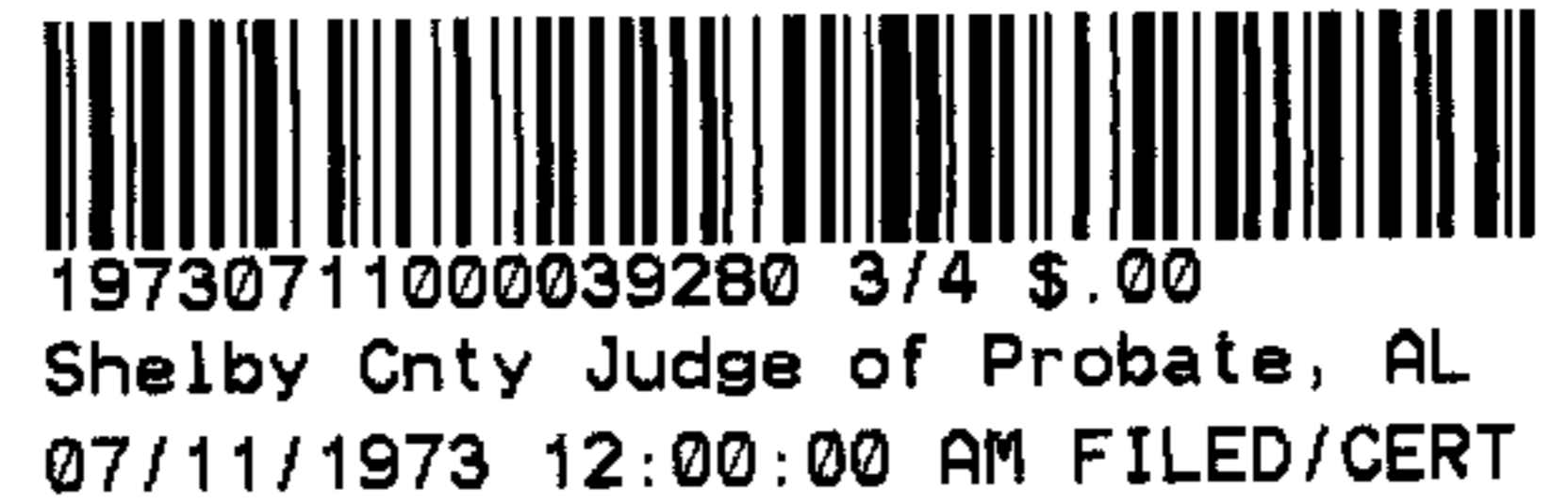
The SE 1/4 of SE 1/4 of Section 5, Township
18 South, Range 2 East

Minerals and mining rights excepted.

The NE 1/4 of NE 1/4 of Section 8, Township
18 South, Range 2 East, EXCEPT that part
described as follows: Two and one-fourth
acres heretofore deeded to S. F. Brasher
and described as follows: Beginning at the
SW corner of the NE 1/4 of NE 1/4 of Sec-
tion 8, Township 18 South, Range 2 East;



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Shelby Cnty Judge of Probate, AL
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thence North 411 feet to the point of beginning; thence East 274 feet; thence Northwesterly 711 feet to the intersection of the West boundary line of said forty acres; thence South along said boundary line 615 feet to the point of beginning, and containing two and one-fourth acres, more or less.

Access to the Complainants' above-described real property is gained by means of a public road which crosses the above-described property owned by Respondents. Said road commences at a point Northeast of Davis Chapel Freewill Baptist Church on Shelby County Road No. 55, crosses the real property of Respondents and that of Your Complainants, and continues on well beyond the real property of Complainants to a point or points unknown to Complainants. The land owned by Complainants does not touch or front Shelby County Road No. 55 or any other public road, and in order to reach Complainants' land, it is necessary to cross over the lands belonging to Respondents by means of said described public road. This situation has existed for as long as Complainants have owned their said real property and for many years prior thereto.

A controversy has arisen between the Complainants and the Respondents in regard to the use of the said above-described public road. On or about, to-wit: May 1, 1971, Complainants attempted to use said road to gain access to their said real property and their way was blocked and obstructed by a fence across said road at or near its intersection with County Road No. 55. Said fence was erected and maintained by Respondent Henry Davis and the Respondent Henry Davis failed to remove said fence across said public road when asked to do so by the Complainants. The use of said public road is indispensable and of strict necessity to Complainants' ingress and egress from their above-described real property and the Complainants have always used the above-described public road in going to and from their said real property prior to the fence being erected by the said Respondent Henry Davis.

A lawsuit has been filed by the Complainants in the Circuit Court of Shelby County, In Equity, Case No. 5230, arising out of the controversy in the use of said public road, and the

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Complainants and the Respondents are now desirous of settling the above-described lawsuit on the following conditions:

1. The Complainants and the Respondents recognize that the above-described road which is the means of ingress and egress to the Complainants' land is a public road;
2. The Respondents hereby agree to the entry of a permanent injunction enjoining the Respondents from obstructing this public road in any manner and prohibiting the Respondents from interfering with the Complainants' use of said public road;
3. The Respondent, Henry Davis, hereby agrees to remove the said fence from across the said public road at his own expense;
4. The Respondent, Henry Davis, hereby agrees to pay the court costs in Case No. 5230 presently pending in the Circuit Court of Shelby County, In Equity;
5. The Complainants hereby agree to waive their claim against the Respondents for attorneys' fees in regard to this litigation.

6. The Complainants and Respondents hereby agree that this Agreement will be binding on the parties hereto and their heirs and assigns and the Complainants and Respondents hereby request that a final decree be entered in this cause incorporating therein the terms of this Agreement and that this Agreement and the final decree be recorded in the land records of the Probate Court of Shelby County, Alabama.

WATSON
ALLIANCE
6/25/73
DATED: June 25, 1973

Witness: Conrad M. Foster, Jr.
DATED: June 25, 1973

Witness: Conrad M. Foster, Jr.
DATED: 5-30-73

DATED: _____

FILED IN OFFICE, This the 11th day

DATED: of July 1973

Kyle L. Lenzford

Register Circuit Court of
Shelby County, Alabama

C. J. Glaze
C. J. Glaze

Dorothy Glaze
Dorothy Glaze
Complainants

Henry Davis
Henry Davis

Harold G. Jones
Harold G. Jones

Betty K. Jones
Betty K. Jones
Respondents

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1973 JUL 11 PM 2:45

REC. BK. & PAGE NO. 5230
U.C. FILE NO. 5230
JUDGE OF PROBATE