

W. D. HUGHES and
LORENE D. HUGHES,

Plaintiffs,

vs

GEORGE ERWIN and RUBY ERWIN,

Defendants.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. E 305-74

D E C R E E



19760123000002360 1/4 \$.00
Shelby Cnty Judge of Probate, AL
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This cause coming on to be heard before the undersigned Judge on the 2nd day of September, 1975, plaintiffs appearing in person and by Counsel Hewitt L. Conwill and Karl C. Harrison, and defendants appearing personally and by Counsel Reuben Bell is submitted for final decree upon pleadings and proof as noted by the Register which proof was taken ore tenus in open court before the trial Judge, together with an inspection of the property and certain alleged boundaries and fences on the property made the basis of this suit by the Judge trying said cause and the Court having considered all the legal evidence presented by the parties and having taken the case under advisement on said date and having made findings of fact and conclusions of law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:

1. That the plaintiffs are the owners (subject to Paragraph No. 4 of this Decree) of the following described tract of land:

Begin at a point on the west line of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, Township 19, Range 1 West 330 feet north of the southwest corner of said forty and run east and parallel with the south line of said forty acres 1320 feet to the east line of said forty; thence south 660 feet; thence west and parallel with the south line of said forty acres to the east line of the right-of-way of the Florida Short Route Highway; thence northerly along the east line of said highway to a point opposite and due west of the point of beginning; thence east to the point of beginning; being a part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, Township 19, Range 1 West, Shelby County, Alabama.

2. That the defendants George Erwin and Ruby Erwin are the owners of a tract of land which lies immediately south of plaintiffs' tract of land described in paragraph 1 above. Said George Erwin and Ruby Erwin's tract of land is described as follows:

Begin at a point 330 feet south of the northwest corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, Township 19, Range 1 West, run east parallel with the north line of such forty 1320 feet to the east line of such forty; thence south along such line 495 feet; thence west parallel with the north line of such forty to the Florida Short Route Highway right-of-way; thence northerly along such right-of-way to a point west of such point of beginning; thence east to the point of beginning, containing 16 acres, more or less and situated in Shelby County, Alabama.

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3. That the survey of Frank W. Wheeler, Registered Land Surveyor dated June 14, 1972, accurately and correctly established the location of the south line of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the south line of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, both being in Section 17, Township 19, Range 1 West, Shelby County, Alabama. That portion of the south line of said $\frac{1}{4}$ - $\frac{1}{4}$ Sections lying east of the right-of-way of U. S. Highway 280 is 1439.74 feet in length, as shown by the survey, a copy of which is attached hereto as Exhibit "A" and made a part of this decree.

4. That the boundary line separating the property of the plaintiffs which is more particularly described in Paragraph 1 above and conterminous with defendants George Erwin and Ruby Erwin's property described in Paragraph 2 above is the south line of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, Township 19, Range 1 West, and the south line of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, Township 19, Range 1 West, as established by Frank W. Wheeler's survey and that certain fence line as shown by Exhibit "A" attached to this decree and further described as follows:

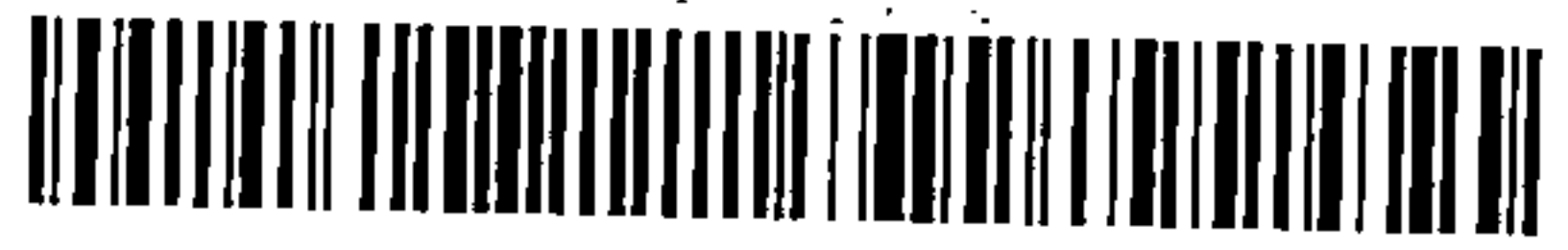
Commence at the southeast corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, Township 19, Range 1 West as located on said Exhibit "A" and run north along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a distance of 120 feet to point "A", said point "A" being the point of intersection of an established fence with the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence run in a westerly direction along said fence line approximately 830 feet to point "B"; thence run in a southwesterly direction a distance of 140 feet, more or less, along a fence line to point "C", said point "C" being located on the south line of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 17, Township 19, Range 1 West; thence run in a westerly direction along said south line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section and continuing along the south line of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 17, Township 19, Range 1 West, a distance of 520 feet more or less, to point "D" on said survey, said point "D" being located on the west line of said U. S. Highway 280.

The Court finds that for more than ten years, the defendants George Erwin and Ruby Erwin have openly, notoriously, continuously and adversely possessed the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 17, Township 19, Range 1 West, Shelby County, Alabama, enclosed by said fence line as previously described and lying conterminous with the land owned by W. D. Hughes and Lorene D. Hughes as described in Paragraph 1 above. The Court finds that the defendants George Erwin and Ruby Erwin are the owners of that portion of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 17 enclosed by said fence line as previously described and lying conterminous with the land owned by the defendants as described in Paragraph 2 of this Decree.

5. That the costs of this proceeding be taxed one-half against the plaintiffs and one-half against defendants, for which execution may issue as provided by law.



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6. The Court further finds that the defendants, George Erwin and Ruby Erwin had erected and put in place a fence across the W. D. Hughes and Lorene D. Hughes property as hereinabove decreed. Said defendants are allowed 90 days to relocate said fence along the boundary line between the property of the plaintiff and the defendant as established by this decree.

7. That a copy of this final decree be recorded and indexed in the appropriate records in the Judge of Probate's Office in Shelby County, Alabama.

Done this the 19th day of January, 1976.

James H. Sharbutt
Judge

FILED IN OFFICE, This the 23rd day

of January 1976

Raymond H. Hargrave

Register Circuit Court of
Shelby County, Alabama

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George Washington

NEYA, SWYA

SW 1/4, SE 1/4, SEC. 17, T-19-S, R-1-W

74.58

POINT "C"

POND

Point A

SE-CORNER
Q SWY-SEY
17-19 - WEST

GRADED
AREA

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FRANK W. WHEELER
LAND SURVEYING
COLUMBIANA, ALA.

FRANK W. WHEELER LAND SURVEYING COLUMBIA, ALA.	
DATE	JUNE 14, 1972
SCALE	1"=15.250'
OWNER	W.D. HUGHES STURRETT, ALA.