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IN THE CIRCUIT COURT FOR THE 18th JUDICIAL CIRCUIT

SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. E-805-75
(IN EQUITY)

WILLIAM H. TRIMM,

Plaintiff,

vs.

ALCIE MAE SHORTER, et al

Defendants

ORDER

This cause coming on to be heard on the 30th day of June, 1976 at 10:00, the case being submitted for a final decree upon the plaintiff's complaint, answer of the defendant, Alcie Mae Shorter, being represented by the Honorable Murray P. McCluskey, and on an answer filed by the guardian ad litem for Angela T. Hall, a minor, Veronica Denise Hall, a minor, and Lawrence Anthony Hall, a minor, and testimony being taken from Alcie Mae Shorter orally before the Court on the 30th day of June, 1976 wherein the defendants' attorneys cross examined said witness, said testimony being transcribed by a qualified court reporter, and it appearing to the satisfaction of the Court as follows:

One. That the plaintiff, William H. Trimm, purchased from Alcie Mae Shorter, a resident of Shelby County, who is over the age of 21 years, certain property located in Shelby County which she represented that she was the owner of, claiming her right to title in fee simple to the following described property:

The NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, Township 18, Range 2 East, Shelby County, Alabama.

Two. That this Court previously in Case No. E-328-74 did render an Order in a Bill to Quiet Title wherein the Court declared that Alcie Mae Shorter was the legal fee simple title holder of the said lands described in Paragraph One above.

Three. That subsequent to the Court's Order in Case No. E-328-74 a question arose concerning the title of Alcie Mae Shorter in the subject property, and as a result thereof the instant suit was filed in which certain minor children, the same being grandchildren of the defendant, Alcie Mae Shorter, and of her late husband, Leroy Shorter, now deceased, as to their legal right to any interest in the said property.

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Four. That the minor children, with exception of Patricia Y. Hall, who is now a person of legal age, are before the Court and represented by attorney Honorable Eason Mitchell, as guardian ad litem. The said guardian ad litem has insisted that the minor children do have an interest in the property due to the fact that they are the legal heirs of Leroy Shorter, and that their interest in the said real property should be determined by this Court.

Five. That the testimony presented to the Court which was undisputed is to the effect that the defendant, Alcie Mae Shorter, being the widow of Leroy Shorter, who owned the subject property prior to his death, did not at the time of his death own any separate real estate and, in fact, neither she nor Leroy Shorter owned any property other than the subject property, and that the said Alcie Mae Shorter is claiming under the Code of Alabama, as Recompiled, Title 7, Section 661, et seq, that she is entitled to have set aside an exemption of \$5,000.00 out of the said lands in question as her widow's exemption.

Six. That testimony was presented which is undisputed that the property sold for the sum of \$6,600.00 and that Alcie Mae Shorter has expended sums in excess of the \$600.00 remaining over and above the \$5,000.00 widow's exemption for the necessities of the minor children named herein.

Seven. That after the death of the minor children's mother in 1961 Alcie Mae Shorter and Leroy Shorter had the custody of the said minor children and provided for their food, education and welfare exclusively. After the death of Leroy Shorter said Alcie Mae Shorter further administered to the needs of the minor children and paid expenses in the nature of education, food, shelter and medical needs of the children out of the funds which were obtained through the sale of the said real property, and that such expenditures exceeded the sum to which the minor children are entitled from the sale of the lands.

Eight. That notice of the pendency of said complaint was drawn and signed by the Register of this Court and said Register did have such notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper having general circulation and

published in Shelby County, Alabama, as prescribed by rule of this Court or by an order made in this cause.

Ninth. That a copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the Office of the Probate Judge of said county, said notice being in strict accord and compliance with the 1940 Code of Alabama, as Recompiled.

Tenth. That it has been more than sixty days since the first publication of said notice and filing of a certified copy of said notice in the Office of the Probate Judge of said county.

Eleventh. That no person has intervened in this cause.

Twelfth. That all of the allegations of fact contained in plaintiff's complaint are true. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that:

1. The plaintiff is entitled to the relief prayed for in his complaint, and that the fee simple title claimed by the plaintiff has been duly proven.

2. That the claim of the defendant, Alcie Mae Shorter, to the exemption in the homestead of Leroy Shorter under the laws of the State of Alabama, Code of Alabama, as Recompiled, is hereby recognized and that the same is duly proven to the Court.

3. That the defendant Alcie Mae Shorter in the said complaint does not have any right, title, interest or claim in and to the above described property in that the defendant, Alcie Mae Shorter, has conveyed the same by warranty deed and that the defendant minor children are entitled to all interest over and above the \$6,000.00 which was paid to Alcie Mae Shorter under the exemption statute, Title 7, Section 661, et seq, Code of Alabama, as last amended. This Court further finds that the said minor children have received these benefits from the sale of the said property through Alcie Mae Shorter by her expenditures of monies in excess of the \$600.00 to which they were entitled as heirs of Leroy Shorter, deceased.

4. That the defendant, Patricia Y. Hall, has further received during her minority all her portion of the benefits of the said sale and no longer has any right, title or interest in the said property.

4-a. That Honorable Eason Fitchell is awarded a fee of \$150.00 for his services as Guardian ad Litem in this cause for the minors, Angela T. Hall, Veronica Denise Hall and Lawrence Anthony Hall.

5. That the Court ~~did~~ previously approve of the said sale to the plaintiff and does here confirm its previous order in this regard.

6. That a certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the names of William H. Trimm vs. Alcie Mae Shorter, Patricia Y. Hall, Angela T. Hall, a minor, Veronica Denise Hall, a minor, and Lawrence Anthony Hall, a minor, and Lejean Hall, on both the direct index and indirect index of the record thereof.

7. That the plaintiff pay the cost of these proceedings, for which let execution issue.

DONE this 17th day of November, 1976.

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James H. Sharbutt
James H. Sharbutt, Circuit Judge

Certified a true and complete copy

Kyle Lansford
Register of Circuit Court

FILED IN OFFICE, This the 17th day

of

November 1976

Kyle Lansford

Register Circuit Court of
Shelby County, Alabama

Conceding
JUDGE OF PROBATE

STATE OF ALABAMA, SHELBY CO.
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