

27

BURNETT BUILDING SERVICES, INC.,
a corporation; CARL D. BENNETT;
PEGGY L. BENNETT; and CITY
FEDERAL SAVINGS & LOAN ASSOC-
IATION, an Alabama Corporation,

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

Plaintiffs,

CIVIL ACTION NO. CV-77-143(E)

vs.

FILED IN OFFICE THIS THE 9th DAY

FELICIA ANN BUTSCH and WILLIE C.
MC LAUGHLIN,

OF June 1978

Defendants.

Kyle Sanford

Clerk of Circuit Court
Shelby County, Alabama

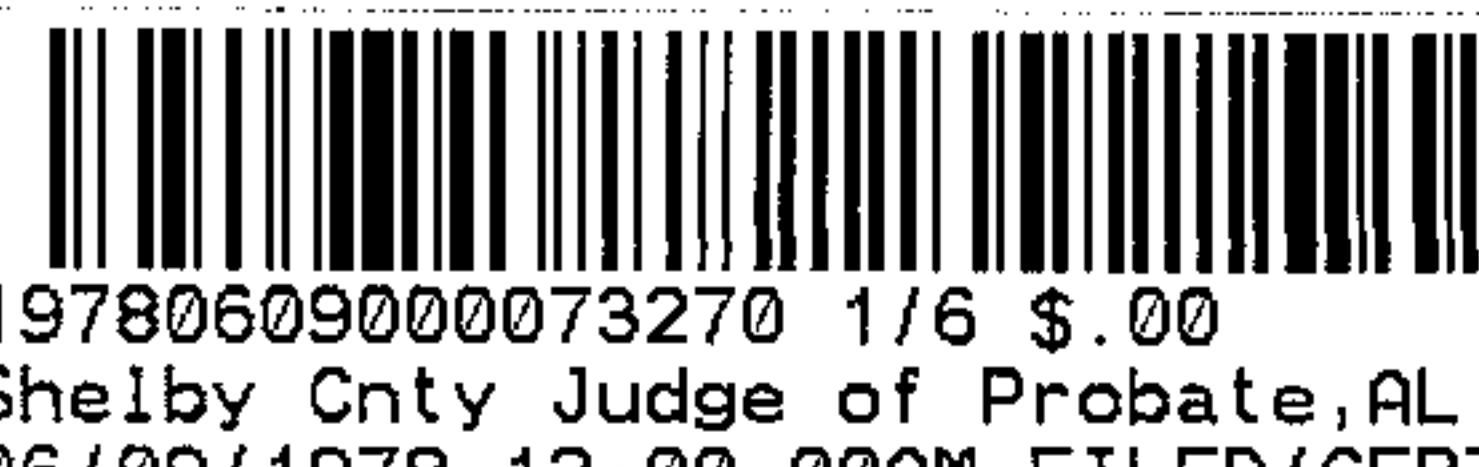
FINAL ORDER

This cause coming on to be heard on April 17, 1978, in open Court, upon the complaint, the answer of defendants, the testimony of witnesses taken orally in the presence of the Court, the pre-trial order heretofore entered in said cause, and the Court having personally inspected and viewed the premises and the disputed line and the properties of the plaintiffs and the defendant on April 19, 1978, in the presence of attorneys for the plaintiffs and attorney for the defendant, Felicia Ann Butsch; And upon consideration of all the evidence in said cause, and the personal inspection and viewing of the property and the disputed line by the Court, the Court is under the opinion that the plaintiffs are entitled to the relief prayed for in the complaint and that the boundary line existing between the various properties of the plaintiffs and the defendant, Felicia Ann Butsch, is in accord with the survey by Allen Whitley of Shelby County, Alabama, as hereinafter more particularly set forth. IT IS, THEREFORE,

ORDERED and DECREED as follows:

1. That plaintiffs are entitled to have the true boundary line between the property of plaintiffs and defendant established by order of this Court.

2. That the plaintiff, Burnett Building Services, Inc., a corporation, is the owner of the real estate situated in Shelby County, Alabama, which is more particularly described on Exhibit "A" attached to plaintiffs' complaint in this cause and which is attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein, less and except that portion of the property described on Exhibit "A" which was conveyed to the



plaintiff, Carl D. Bennett, and plaintiff, Peggy L. Bennett, by deed shown on Exhibit "B" attached to the plaintiffs' complaint and which is also attached hereto as Exhibit "B" and made part and parcel hereof; that the plaintiff, Carl D. Bennett, and plaintiff, Peggy L. Bennett, are the owners of the real estate situated in Shelby County, Alabama, which is described on said Exhibit "B" attached hereto and made part and parcel hereof as fully as if set out herein, and the plaintiff, City Federal Savings & Loan Association, a corporation, is the holder of a first mortgage lien on the property described on Exhibit "B" attached hereto and made part and parcel hereof, which said first mortgage lien is dated, to-wit, March 11, 1977, and is in the original principal amount of Forty-nine thousand five hundred and no/100 (\$49,500.00) Dollars.

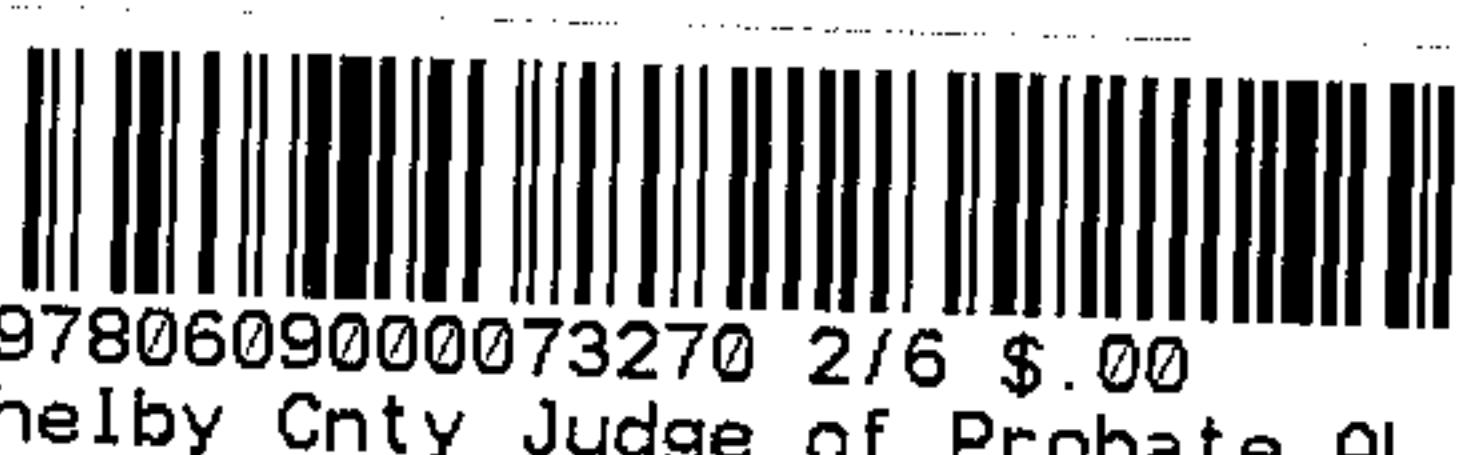
3. That the property owned by the defendant, Felicia Ann Butsch, in this cause lies East of and/or Northeast of the above described property which is owned by the plaintiffs as indicated above and that a dispute exists between the plaintiffs and the defendant, Felicia Ann Butsch as to the true and correct boundary between their respective parcels or real estate as described above; that the Northeastern boundary of the plaintiffs' property as described above also constitutes a part of the Southwestern boundary of the defendant, Felicia Ann Butsch's property.

4. That the true, lawful and correct boundary line between the properties of the plaintiffs and the defendant, Felicia Ann Butsch, along the said disputed line should be and the same is hereby established and ordered to be as follows: Begin at the Southeast corner of Section 4, Township 21 South, Range 3 West and thence turn 42 deg. 19 min. to the left and run Northwesterly a distance of 2003.60 feet to a point, which said point was and is sometimes referred to as the "McLaughlin Farm Corner".

Said boundary line as above established is marked at each end by an iron pin and said line is in accord with the survey of said boundary line of Allen Whitley, Registered Surveyor of the State of Alabama.

5. That all of the property involved in these proceedings is located in Shelby County, Alabama.

6. That the costs of these proceedings shall be and the same are



hereby taxed one-half against the plaintiffs and one-half against the defendant, Felicia Ann Butsch, for which let execution issue as provided by law.

7. That a copy of this final order in this cause be recorded and indexed in the appropriate records of the Office of the Judge of Probate of Shelby County, Alabama, by the Clerk of the Court in this cause, and the costs of such recording be taxed as additional cost herein.

Done this 9th day of June, 1978.

James H. Sharbutt
Judge

BOOK 312 PAGE 832

6-9-78

Certified a true and complete copy

Kyle Lansford
Register of Circuit Court



19780609000073270 3/6 \$.00
Shelby Cnty Judge of Probate, AL
06/09/1978 12:00:00AM FILED/CERT

EXHIBIT "A"

Form 114
CORPORATION FORM WARRANTY DEED- ALABAMA TITLE CO., INC., BIRMINGHAM, ALA

3574

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of One Dollar and Other Consideration ----- DOLLARS,

to the undersigned grantor, Top Realty, Inc. a corporation,
in hand paid by Burnett Building Services, Inc.

the receipt of which is hereby acknowledged, the said Top Realty, Inc.

does by these presents, grant, bargain, sell and convey unto the said Burnett Building Services, Inc.
the following described real estate, situated in SHELBY COUNTY, ALABAMA to wit;

SEE ATTACHED EXHIBIT "A"

BOOK 312 PAGE 633

BOOK 255 PAGE 67

TO HAVE AND TO HOLD, To the said Burnett Building Services, Inc., its
Successors

and said Top Realty, Inc. heirs and assigns forever.

and assigns, covenant with said Burnett Building Services, Inc. its successors
to have and assign, that it is lawfully seized in fee simple of said premises, that they are free from all encum-
brances, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and
assigns shall, warrant and defend the same to the said Burnett Building Services, Inc., its
successors

and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Top Realty, Inc. by its
President, J. P. Graham, who is authorized to execute this conveyance,
has hereunto set its signature and seal, this the 14th day of December 1973.

ATTEST

J. Wayne Russell
J. Wayne Russell

STATE OF Alabama
COUNTY OF Shelby

By J. P. Graham

I, the undersigned
and State notary, certify that J. P. Graham
whose name is President of Top Realty, Inc. is known to me, acknowledged before me on this
14th day of December 1973, being informed of the contents of the conveyance, he, as such officer and with full authority, executed
the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 14th day of December 1973.

J. P. Graham



19780609000073270 4/6 \$0.00
Shelby Cnty Judge of Probate, AL
06/09/1978 12:00:00AM FILED/CERT

WINTERS & WEEKS ENGINEERS

CIVIL ENGINEERS AND LAND SURVEYORS

BIRMINGHAM, ALABAMA 35203

721 MALLEY BUILDING

PHONE 223-2221

EXHIBIT "A"

DESCRIPTION: A parcel of land situated in the NE $\frac{1}{4}$ -NE $\frac{1}{4}$ and NW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 9, Township 21 South, Range 3 West and the SE $\frac{1}{4}$ -SW $\frac{1}{4}$ and the SE $\frac{1}{4}$, Section 4, Township 21 South, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Beginning at the SE Corner of the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 9, Township 21 South, Range 3 West; thence Northerly along the East line of said NE $\frac{1}{4}$ -NE $\frac{1}{4}$ a distance of 1324.30 feet to the NE Corner of Section 9 and the SE Corner of Section 4, Township 21 South, Range 3 West; thence turn 42° 19' to the left and run Northwesterly a distance of 2003.60 feet; thence turn 126° 30' to the left and run Southwesterly a distance of 839.00 feet; thence turn 106° 30' to the right and run Northwesterly a distance of 468.0 feet; thence turn 120° 47' 30" to the left and run Southerly a distance of 503.11 feet; thence turn 20° 30' 30" to the right and run Southwesterly a distance of 437.44 feet; thence turn 100° 17' to the right and run Northwesterly a distance of 1604.30 feet to a point on the Easterly right of way line of Shelby County Road No. 17; thence turn 63° 47' 40" to the left and run Southwesterly along said right of way a distance of 45.78 feet; thence turn 29° 03' 06" to the left and run Southwesterly a distance of 57.38 feet; thence turn 85° 50' to the left and run Southeasterly a distance of 1014.82 feet to the Point of Beginning. Contains 74.30 acres more or less.

BOOK 312 PAGE 634

89 mi 68 sec 4000

STATE OF ALA. SHERIFF CO.
CERTIFY THIS
INSTRUMENT WAS FILED
RECEIVED
1974 JUN 29 PM 1:46
UCC FILING NUMBER
REC'D & INDEXED AS STATED ABOVE
COURT OF COMMON PLEAS
RECEIVED
1974 JUN 29 PM 1:46



EXHIBIT "R"

(Address) P.O. Box 9, Pelham, Alabama 35124

STATE OF ALABAMA
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS,

DOLLARS.

That in consideration of Fifty-five Thousand and no/100----- DOLLARS.

to the undersigned grantor, Roy Martin Construction, Inc.
in kind paid by Carl D. Bennett and wife Peggy L. Bennett

the receipt of which is hereby acknowledged, the said Roy Martin Construction, Inc.

does by these presents, grant, bargain, sell and convey unto the said
Carl D. Bennett and wife Peggy L. Bennett
the following described real estate, situated in Shelby County, Alabama, to wit:

Lot 12 according to Map of Woodland Hills, Second Phase, First Sector, as recorded
in Map Book 6, Page 133, in the Probate Office of Shelby County, Alabama.
Situated in Shelby County, Alabama
Subject to easement, set back of lines, rights of way, limitations, if any,
of record.

\$49,500.00 of the purchase price recited above was paid from the
proceeds of a mortgage loan closed simultaneously herewith.

Lot 12 \$49,500
11th 1977
Total \$49,500
11th 1977
\$49,500

BOOK 312
PAGE 635
312

TO HAVE AND TO HOLD, To the said Carl D. Bennett and wife Peggy L., their
heirs and assigns forever.

does for itself, its successors.

And said Roy Martin Construction, Inc.
and assigns, covenant with said Carl D. Bennett and wife Peggy L. Bennett

Book
Title and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encum-
brances unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid, and
that it will, and its successors and assigns shall, warrant and defend the same to the said
executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Roy Martin Construction, Inc.

President, Roy L. Martin

11th day of March

1977

Roy Martin Construction Inc.

By: Roy L. Martin President

Secretary

STATE OF ALABAMA
COUNTY OF SHELBY

a Notary Public in and for said County, in

the undersigned
notary public certify that Roy L. Martin
President of Roy Martin Construction Inc. and who is known to me, acknowledged before me on
a day in the month of March, 1977, that he is informed of the contents of the conveyance, he, as such officer and with full authority,
and in the same voluntary, free and at the act of said corporation.

Given under my hand and official seal, this the 11th day of March

1977

STATE OF ALABAMA
I CERTIFY THIS

1778 JUN -9 PM 2:38

Roy L. Martin
JUDGE OF PROBATE
\$10.00

19780609000073270 6/6 \$0.00
Shelby County Judge of Probate, AL
06/09/1978 12:00:00AM FILED/CERT