

RICHARD T. DARDEN, JOSEPH A. SALLA,
J. FRANK DAY, III, DUNCAN HAMILTON,
LLOYD R. WILSON, C. RAY CUNNINGHAM,
and SHAMROCK ENTERPRISES, INC., a
corporation,

Plaintiffs,

vs.

HOMER EUGENE SMITH,

Defendant.

IN THE CIRCUIT COURT

FOR

SHELBY COUNTY, ALABAMA



19780824000112850 1/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

CASE NO. E-1174-76

JAMES P. SIRAGUSA and wife,
FRANCES M. SIRAGUSA,

Plaintiffs,

vs.

HOMER EUGENE SMITH, BIRMINGHAM
TRUST NATIONAL BANK, a national
banking association of
Birmingham, Alabama,

Defendants.

IN THE CIRCUIT COURT

FOR

SHELBY COUNTY, ALABAMA



19780824000113030 1/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

CASE NO. E-1233-76

ANNIE M. BLANKENSHIP HOWARD,

Plaintiff,

vs.

JAMES P. SIRAGUSA and wife,
FRANCES M. SIRAGUSA,

Defendants.

IN THE CIRCUIT COURT

FOR

SHELBY COUNTY, ALABAMA

Case No. E-1270-76

JUDGMENT

This cause coming on to be heard for the purpose of passing upon and confirming the survey and report made by the Court Appointed Surveyor in accordance with the Judgment entered in these consolidated causes on June 1, 1978 and it appearing to the satisfaction of the Court that said survey and report was filed with the Register of this Court on August 8, 1978 and has now laid over for more than five (5) days, as prescribed by the Judgment entered in these consolidated causes on June 1, 1978, and that no objections have been filed thereto and it further appearing to the Court that such survey and report of said Court Appointed Surveyor in all respects complies with the Judgment entered by this Court in these consolidated causes on June 1, 1978 and with the provisions of Section 35-3-3, 1975 Code of Alabama and the Court finding that said survey and report is due to be approved and confirmed, it is therefore, ORDERED by the Court as follows:

1. That the survey and report made by the Court Appointed Surveyor pursuant to the Judgment in these consolidated causes entered on June 1, 1978, as filed with the Register of this Court on August 8,

BOOK 26 PAGE 904



19780824000112850 2/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT



19780824000113030 2/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

1978, be and the same is hereby approved and confirmed; that said survey prepared by said Court Appointed Surveyor be and the same is hereby marked as Exhibit "A" and attached to this Judgment and made a part of this Judgment, thereby accurately establishing and describing the judicial corners and the judicial boundary lines located and defined by the Judgment entered by this Court in these consolidated causes on June 1, 1978; that the legal description prepared by said Court Appointed Surveyor of the boundary line/be and the same is hereby marked as Exhibit "B" and attached to this Judgment and made a part of this Judgment, thereby accurately establishing and describing the boundary line between the coterminous owners in said Case No. E-1174-76 located and defined by the Judgment entered by this Court in these consolidated causes on June 1, 1978; that the legal description prepared by said Court Appointed Surveyor of the boundary lines involved in Case No. E-1233-76 be and the same is hereby marked as Exhibit "C" and attached to this Judgment and made a part of this Judgment thereby accurately establishing and describing the boundary lines between the coterminous owners in said Case No. E-1233-76 located and defined by the Judgment entered by this Court in these consolidated causes on June 1, 1978; and, that the legal description prepared by said Court Appointed Surveyor of the boundary line and judicial easement involved in Case No. E-1270-76 be and the same is hereby marked as Exhibit "D" and attached to this Judgment and made a part of this Judgment, thereby accurately establishing and describing the boundary line between the coterminous owners in said Case No. E-1270-76 and the judicial easement across the real estate of the Plaintiff in said Case No. E-1270-76 located and defined by the Judgment entered by this Court in these consolidated causes on June 1, 1978.

2. That all future surveys of the land embraced in this Judgment shall be made with reference to the "judicial landmarks" fixed on the ground by the Court Appointed Surveyor and with reference to the survey attached to this Judgment as Exhibit "A" and all future legal descriptions of the land of any party to these consolidated causes or the successors or assigns of any such party shall be made with reference to the survey attached to this Judgment as Exhibit "A" and with reference to the legal descriptions attached to this Judgment as Exhibits "B", "C" and "D", as applicable.

3. That all parties to these consolidated causes, together with all other persons having knowledge and notice of this Judgment, be and they and each of them are hereby enjoined and restrained from moving or in any manner interfering with the "judicial landmarks" fixed on the ground by the Court Appointed Surveyor, as accurately described in the survey attached to this Judgment as Exhibit "A", and this injunctive order is cumulative and in addition to all other remedies and sanctions for such prohibited conduct.

4. That the Register of this Court will cause a certified copy of this Judgment to be recorded in the Deed Records in the Office of the Judge of Probate of Shelby County, Alabama and indexed in the direct indexes under the names of Richard T. Darden, Joseph A. Saiia, J. Frank Day, III, Duncan Hamilton, Lloyd R. Wilson, C. Ray Cunningham, James P. Siragusa, Frances M. Siragusa, Annie M. Blankenship Howard, formerly Annie M. Blankenship, and in the indirect indexes under the name of Homer Eugene Smith, James P. Siragusa and Frances P. Siragusa. The cost of recording this Judgment will be taxed as part of the Court costs in these consolidated cases, one-third of the total recording cost being made part of the Court costs in each case.

5. That the Register of this Court will pay over to Frank W. Wheeler, the Court Appointed Surveyor in these causes, the \$1,000.00 being presently held by the Register in payment of the balance due on his fee in accordance with the Judgment entered by this Court in these consolidated causes on June 1, 1978, which will be payment in full for all services rendered by said Court Appointed Surveyor.

6. That all Court costs accrued in Case No. E-1174-76 since June 1, 1978 will be paid one-half by the Plaintiffs Richard T. Darden, Joseph A. Saiia, J. Frank Day, III, Duncan Hamilton, Lloyd R. Wilson, C. Ray Cunningham and the other one-half by the Defendant Homer Eugene Smith, for which let execution issue if not paid within 30 days after entry of this Judgment.

That all Court costs accrued in Case No. E-1233-76 since June 1, 1978 will be paid one-half by the Plaintiffs and the other one-half by the Defendant Homer Eugene Smith, for which let execution issue if not paid within 30 days after entry of this Judgment.

That all Court costs accrued in Case No. E-1270-76 since June 1,

1978 will be paid one-half by the Plaintiff and the other one-half by the Defendants, for which let execution issue if not paid within 30 days after entry of this Judgment.

7. That the Register of this Court will serve this Judgment by mailing a copy thereof to all Attorneys of Record and to the Defendant Birmingham Trust National Bank and to the Court Appointed Surveyor.

DONE AND ORDERED this 23rd day of August, 1978

James H. Sharbitt
Circuit Judge

19780824000112850 4/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

19780824000113030 4/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

FILED IN OFFICE, This the 23rd day
of August 1978

Kyle Linsford
Register Circuit Court of
Shelby County, Alabama

Certified a true and complete copy
Kyle Linsford
Register of Circuit Court

"OLD 2" OPEN IRON BENT OVER"
REPLACED W/ JUDICIAL LANDMARK MON.

179° 04' 22"

181° 57' 37"

FILED IN OFFICE, This the 8th day
of August 1978
Wyle Hunsford
Register Circuit Court of
Shelby County, Alabama

19780824000112850 6/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

19780824000113030 6/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

CIRCUIT COURT FOR SHELBY CO
CONSOLIDATED CASES: E-1174-76

SCALE: 1 IN. = 100 F

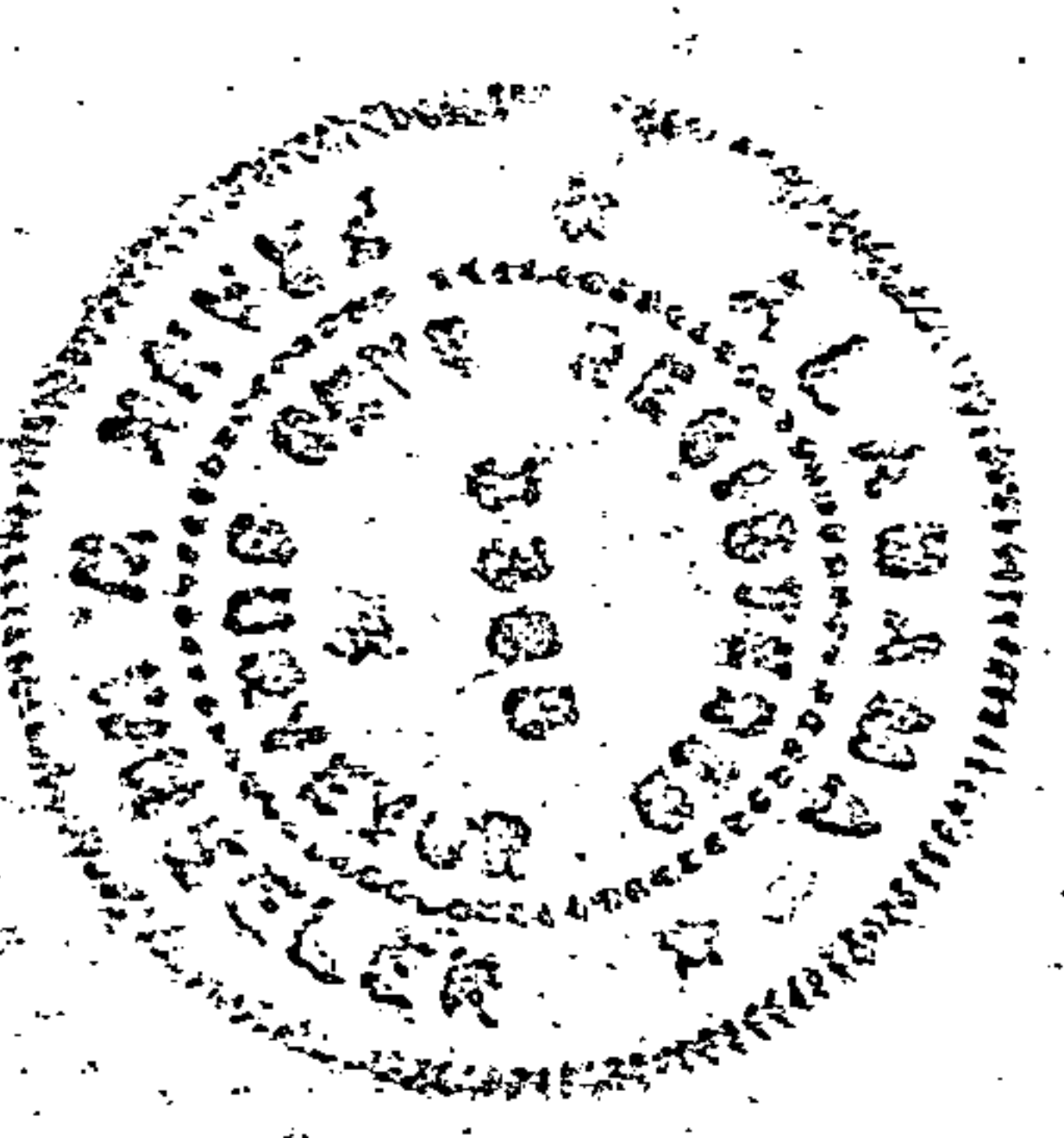
STATE OF ALABAMA
COUNTY OF SHELBY

I, Frank W. Wheeler, a registered Land Surveyor in the State of Alabama, hereby certify that this true and correct plat of a survey made by me as ordered by the Circuit Court for Shelby County, Alabama, Consolidated Cases: E-1174-76, E-1233-76 and E-1270-76, dated June 1, 1978. I further certify that I have the corners located the words "judicial" on this plat by the symbol shown on this plat at the points shown on this plat by

This, the 8th Day of August, 1978.

606 394 92 K008

EXHIBIT "A" TO JUDGMENT
DATED AUGUST 23, 1978
FILED IN OFFICE, This the 24th day
of August 1978
Wyle Hunsford
Register Circuit Court of
Shelby County, Alabama



Frank W. Wheeler
Frank W. Wheeler
Ala. Reg. L. S. No. 3385

177°26'27"

177°57'59"

178°19'32"

183°38'20"

EXISTING FENCE

152.44'

1318.

90°56'45"

228.99'

241°48'39"

ROAD TO LAKE

69.86'

90°37'54"

180.49'

640.06'

411.07'

193°50'49"

240°53'37"

SW 1/4, NE 1/4

SE 1/4, NE 1/4

89°33'09"

183.24'

GRAVEL ROAD

SET 1" RE-BAR - SE COR.

TRUE COR.

41.00'

COUNTY, ALABAMA
E-1233-76 & E-1270-76

400

19780824000112850 7/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

19780824000113030 7/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

PAGE 910
BOOK 26

is a
in
erected a permanent land mark at each of
od and defined by said judgment, marked with
al landmark", which 10 judicial corners are shown
he symbol "O" and that at all points shown on this
1". I have set a 1" reinforcing bar, also at all points
it by the by the symbol "I" I have set a hub and tack, and
m "Markers", referred to in said judgment, are indicated
the symbol "A".

is the 8th Day of August, 1978

Frank W. Wheeler

Frank W. Wheeler

Ala. Reg. L.S. No. 3385

1325.03.

1.T-19-S.R-1-W
VILLE MERIDIAN
BY CO., ALA.



19780824000113030 8/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT



19780824000112850 8/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

NW¼, NE¼

SW¼, NE¼

NE¼, NE¼

1" RE-BAR
TRUE COR.

SE¼, NE¼

90° 37' 54"

182° 33' 33"

182° 02' 01"

181° 40' 28"

BOOK 26 PAGE 911

156.76'

100.00'

98.58'

76° 21' 40"

89° 27' 37"

FRANK W. WHEELER

LAND SURVEYING
August 8, 1978

P. O. BOX 356
N. MAIN STREET

COLUMBIANA, ALA. 35051
PHONE 669-2041

Circuit Court for Shelby County, Alabama

Case # E-1174-76

Commence at the SouthWest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 19 South, Range 1 West, thence run East along the South line of said $\frac{1}{4}$ $\frac{1}{4}$ Section, a distance of 41.00 ft., to the Western margin of a gravel road, and the point of beginning, thence turn an angle of 70 deg. 57 min. 31 sec. to the left and run along the Western margin of said gravel road, a distance of 183.24 ft., thence turn an angle of 13 deg. 50 min. 49 sec. to the right and continue along the Western margin of said gravel road, a distance of 93.21 ft., thence turn an angle of 60 deg. 53 min. 37 sec. to the left and run a distance of 180.49 ft., thence turn an angle of 61 deg. 48 min. 39 sec. to the left and run a distance of 69.86 ft., to a point on the West line of said $\frac{1}{4}$ $\frac{1}{4}$ Section, thence turn an angle of 89 deg. 22 min. 06 sec. to the right and run North along the West line of said $\frac{1}{4}$ $\frac{1}{4}$ Section, a distance of 228.99 ft., to the point of ending.

26 PAGE 912
BOOK

FILED IN OFFICE, This the 8th day

of August 1978

Kyle Sanford

Register Circuit Court of
Shelby County, Alabama

19780824000112850 9/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

19780824000113030 9/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

STATE OF ALABAMA
COUNTY OF SHELBY

I, Frank W. Wheeler, a registered Land Surveyor in the State of Alabama, hereby certify that this is a true and correct legal description of the judicial boundary line or lines located and defined by the judgment entered on June 1, 1978 in the Circuit Court of Shelby County, Alabama in Case No. E-1174-76.

This, the 8th day of August, 1978.

Frank W. Wheeler
Frank W. Wheeler
Ala. Reg. L.S. No. 3385

EXHIBIT "B" TO JUDGMENT
DATED AUGUST 23, 1978

FILED IN OFFICE, This the 23rd day

of August 1978

Kyle Sanford

Register Circuit Court
Shelby County, Alabama

Certified a true and complete copy

Kyle Sanford
Register of Circuit Court

FRANK W. WHEELER

LAND SURVEYING

P. O. BOX 356
N. MAIN STREET

August 8, 1978

COLUMBIANA, ALA. 35051
PHONE 669-2041

Circuit Court For Shelby County, Alabama

Case # E-1233-76

Commence at the Southeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 17, Township 19 South, Range 1 West, thence run North along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 640.06 feet to the point of beginning; thence turn an angle of 89 deg. 27 min. 37 sec. to the left and run a distance of 152.44 feet; thence turn an angle of 3 deg. 38 min. 20 sec. to the right and run a distance of 239.72 feet; thence turn an angle of 1 deg. 40 min. 28 sec. to the left and run a distance of 98.58 feet; thence turn an angle of 2 deg. 02 min. 01 sec. to the left and run a distance of 100.00 feet; thence turn an angle of 2 deg. 33 min. 33 sec. to the left and run a distance of 156.76 feet; thence turn an angle of 1 deg. 57 min. 37 sec. to the right and run a distance of 95.41 feet; thence turn an angle of 0 deg. 55 min. 38 sec. to the left and run a distance of 368.70 feet; thence turn an angle of 81 deg. 51 min. 12 sec. to the right and run a distance of 506.36 feet; thence turn an angle of 80 deg. 26 min. 52 sec. to the left and run a distance of 48.68 feet; thence turn an angle of 89 deg. 01 min. 18 sec. to the right and run a distance of 30.00 feet to the point of ending.

FILED IN OFFICE, This the 8th day

of August 1978

Kyle Sanford

Register Circuit Court of
Shelby County, Alabama

STATE OF ALABAMA
COUNTY OF SHELBY

I, Frank W. Wheeler, a registered Land Surveyor in the State of Alabama, hereby certify that this is a true and correct legal description of the judicial boundary line or lines located and defined by the judgment entered on June 1, 1978 in the Circuit Court of Shelby County, Alabama in Case No. E-1233-76.

This, the 8th day of August, 1978.

Frank W. Wheeler
Frank W. Wheeler
Ala. Reg. L.S. No. 3385

EXHIBIT "C" TO JUDGMENT

DATED AUGUST 23, 1978

FILED IN OFFICE, This the 23rd day

of August 1978

Kyle Sanford

Certified a true and complete copy

Kyle Sanford
Register of Circuit Court

BOOK 26 PAGE 913



19780824000112850 10/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT



19780824000113030 10/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

FRANK W. WHEELER

LAND SURVEYING

P. O. BOX 356
N. MAIN STREET



19780824000113030 11/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

August 8, 1978

COLUMBIANA, ALA. 35051
PHONE 649-2041

Circuit Court For Shelby County, Alabama

Case # E-1270-76



19780824000112850 11/11 \$.00
Shelby Cnty Judge of Probate, AL
08/24/1978 12:00:00 AM FILED/CERT

Commence at the Northeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 17, Township 19 South, Range 1 West, thence run South along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 149.91 feet; thence turn an angle of 90 deg. 22 min. 20 sec. to the right and run a distance of 14.83 feet to the point of beginning; thence turn an angle of 89 deg. 14 min. 02 sec. to the right and run a distance of 144.94 feet to the point of ending.

ALSO, a 30-foot easement, 15 feet on either side of a center line described as follows: Commence at the Northeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 17, Township 19 South, Range 1 West, thence run South along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 149.91 feet; thence turn an angle of 90 deg. 22 min. 20 sec. to the right and run a distance of 14.83 feet; thence turn an angle of 89 deg. 14 min. 02 sec. to the right and run a distance of 25.00 feet to the point of beginning; thence turn an angle of 42 deg. 55 min. 35 sec. to the left and run a distance of 173.44 feet to a point on the North line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 17, being 134.00 feet West of the North east corner of said $\frac{1}{4}$ $\frac{1}{4}$ Section, and the point of ending.

FILED IN OFFICE, This the 8th day
of August 1978

Kyle Sanford

Register Circuit Court of
Shelby County, Alabama
STATE OF ALABAMA
COUNTY OF SHELBY

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

LTD AUG 24 PM 2:32 Rec. 24.50

Thomas A. [unclear]
JUDGE OF PROBATE

Ind 1.00
\$ 25.50

I, Frank W. Wheeler, a registered Land Surveyor in the State of Alabama, hereby certify that this is a true and correct legal description of the judicial boundary line or lines and the judicial easement located and defined by the judgment entered on June 1, 1978 in the Circuit Court of Shelby County, Alabama in Case No. E-1270-76.

This, the 8th day of August, 1978.

Frank W. Wheeler

Frank W. Wheeler
Ala. Reg. L.S. No. 3385

EXHIBIT "D" TO JUDGMENT

DATED AUGUST 23, 1978
FILED IN OFFICE, This the 23rd day

of August 1978

Kyle Sanford

Certified a true and complete copy

Kyle Sanford
Register of Circuit Court