

42
IN THE CIRCUIT COURT FOR THE 18TH JUDICIAL CIRCUIT
SHELBY COUNTY, ALABAMA
EQUITY DIVISION



19791101000143300 1/4 \$.00
Shelby Cnty Judge of Probate, AL
11/01/1979 12:00:00 AM FILED/CERT

CHARLES SMITH)

Plaintiff)

vs.)

MILDRED VIRGINIA PHILLIPS)
SMITH)

Defendant)
Counter Plaintiff)

vs.)

CHARLES SMITH; TOMMIE S.)
LEE; and FRANK M. LEE)

Defendants)

CIVIL ACTION NO. DR 78-118

CHARLES EASON SMITH)

Third Party)
Plaintiff)

vs.)

GARY L. THOMPSON)

Third Party)
Defendant)

ORDER

In accordance with the Memorandum Opinion entered contemporaneously herewith, it is hereby ORDERED, ADJUDGED and DECREED:

1. That Tommie S. Lee and Frank M. Lee are the sole and exclusive owners of the fifteen (15) acre Murphy tract, more particularly described as follows:

Commence at a point on the North line of the SW 1/4 of NE 1/4 of Section 35, Township 19 South, Range 3 West, in Shelby County, Alabama, which is 650 feet West of the NE corner of said quarter-quarter section and run South, parallel with the East line of said quarter-quarter section, and along the West line of property presently owned by Virginia D. Smith, Annie Laura Smith and Mary Lucille Smith, a distance of 160 feet to the point of beginning; thence continue South, parallel with the East line of said quarter-quarter section and along said Smith property line, a distance of 1160 feet to a point on the South line of said quarter-quarter section; thence run West along the South line of said quarter-quarter section, a distance of 670 feet to the SW corner of said

BOOK 33 PAGE 505

quarter-quarter section; thence run North along the West line of said quarter-quarter section, a distance of 720 feet to a point; thence run in a Northeasterly direction 860 feet more or less to point of beginning, mineral and mining rights excepted.

Seller grants easement to both sides of property described above through his property.

2. That Tommie S. Lee and Frank M. Lee are the sole and exclusive owners of the following real property in Shelby County, Alabama:

Commence at an iron pin at the Northwest corner of the SE 1/4 of the NE 1/4, Section 35, Township 19 South, Range 3 West, and run thence South along the West boundry line of said quarter-quarter section a distance of 225 feet, which is the point of beginning of the parcel herein described, thence continue South along the West line of said quarter-quarter section 1078 feet, more or less, to an iron pin at the Southwest corner of said quarter-quarter section; thence run East along the South boundry line of said quarter-quarter section, a distance of 1322.0 feet, more or less, to an iron pin on the Southeast corner of said quarter-quarter section, thence run North along the East line of said quarter-quarter section, a distance of 1078 feet, more or less; thence run West, parallel with the South line of said quarter-quarter section, a distance of 1322 feet, more or less, to the West boundry line of said quarter-quarter section and point of beginning, containing 32.71 acres. Mining and mineral rights excepted.

Commence at an iron pin at the Northeast corner of the SW 1/4 of the NE 1/4, Section 35, Township 19 South, Range 3 West, and run thence South along the East line of said quarter-quarter section a distance of 225 feet to the point of beginning of the parcel herein described; thence continue South along the East line of said quarter-quarter section a distance of 1078 feet more or less to an iron pin on the Southeast corner of said quarter-quarter section; thence run West along the South boundry line of said quarter-quarter section a distance of 650 feet, more or less, to an iron pin; thence run North and parallel with the East line of said quarter-quarter section a distance of 1078 feet more or less; thence run East and parallel with the North line of said quarter-quarter section, a distance of 650 feet to point of beginning, containing 16.08 acres. Mining and mineral rights excepted.

3. That Charles Smith and Charles Eason Smith are the exclusive owners, Charles Smith owning a life estate and Charles Eason Smith owning the remainder, in the following real property in Shelby County, Alabama:



19791101000143300 2/4 \$.00
Shelby Cnty Judge of Probate, AL
11/01/1979 12:00:00 AM FILED/CERT

BOOK 33 PAGE 506

Commence at the Northwest corner of the NE 1/4 of the NE 1/4 of Section 35, Township 19 South, Range 3 West and run thence South along the West line of said quarter-quarter section a distance of 809.0 feet to the point of beginning of the parcel herein described; thence continue South along the West line of said quarter-quarter section, a distance of 488.6 feet, more or less, to the Southwest corner of said quarter-quarter section; thence run East along the South line of said quarter-quarter section a distance of 1322.0 feet, more or less, to the Southeast corner of said quarter-quarter section; thence run North along the East line of said quarter-quarter section, a distance of 488.8 feet, more or less, to a point which is 814.5 feet South of the Northeast corner of said quarter-quarter section; thence run West, a distance of 1322.3 feet, more or less, to point of beginning, containing 14.80 acres. Mineral and mining rights excepted.

Commence at the Northwest corner of the SE 1/4 of the NE 1/4 of Section 35, Township 19 South, Range 3 West, which is the point of beginning of the parcel herein described, and run thence East along the North boundry line of said quarter-quarter section, a distance of 1322.0 feet, more or less, to the Northeast corner of said quarter-quarter section; thence run South along the East boundry line of said quarter-quarter section a distance of 225.0 feet; thence run West parallel with the North line of said quarter-quarter section a distance of 1322.0 feet, more or less; thence run North along the West line of said quarter-quarter section a distance of 225 feet to the Northwest corner of said quarter-quarter section and point of beginning, containing 6.82 acres. Mining and mineral rights excepted.

Commence at an iron pin at the Northeast corner of the SW 1/4 of the NE 1/4 of Section 35, Township 19 South, Range 3 West, which is the point of beginning of the parcel herein described; thence run South, along the East line of said quarter-quarter section a distance of 225 feet; thence run West, parallel with the North boundry line of said quarter-quarter section a distance of 650 feet, more or less, to a point; thence run North, parallel with the East line of said quarter-quarter section a distance of 225 feet; thence run East along the North boundry line of said quarter-quarter section, a distance of 650 feet to an iron pin and point of beginning, containing 3.35 acres. Mineral and mining rights excepted.

4. That Tommie S. Lee and Frank M. Lee shall have an easement for ingress and egress across the following described property in Shelby County, Alabama.

Commence at the Northwest corner of the SE 1/4 of the NE 1/4 of Section 35, Township 19 South, Range 3 West; thence East 210 feet along the northern boundary of said quarter-quarter section to the point of beginning: Ten (10) feet of uniform width on either side of a center line extending North 488.7 feet, more or less, from the point of beginning and extending South 225 feet, more or less, to the south line of Smith property, from the point of beginning.



19791101000143300 3/4 \$.00
Shelby Cnty Judge of Probate, AL
11/01/1979 12:00:00 AM FILED/CERT

BOOK 33 PAGE 507

5. That Charles Smith and Charles Eason Smith owe, as of February 21, 1979, a sum of Seven Thousand Nine Hundred Thirteen and 62/100 Dollars (\$7,913.62) principal and accrued interest to Tommie S. Lee and Frank M. Lee, on a promissory note executed April 7, 1964.

6. That Charles Smith and Charles Eason Smith are hereby ORDERED to execute a mortgage to Tommie S. Lee and Frank M. Lee on the property described in paragraph 3 hereof, to secure the debt described in paragraph 5 hereof.

7. That, whereas R. B. Jones, as attorney for Charles Smith, has rendered valuable services which have benefited the whole property involved in this controversy, R. B. Jones is hereby awarded an attorney's fee of Six Thousand Dollars (\$6,000.00) to be taxed as costs one-half to Tommie S. Lee and Frank M. Lee and one-half to Charles Smith and Charles Eason Smith. For the payment of said costs, a lien shall attach to the property described herein in paragraphs 2 and 3.

DONE this 12th day of March, 1979.

James H. Sharbutt
James H. Sharbutt, Circuit Judge

STATE OF ALA. SHELBY CO.
JUDGE OF PROBATE

NOV -1 PM 12:05

James H. Sharbutt, Jr.
JUDGE OF PROBATE

Rec. 6.00
Ind. 1.00
7.00



19791101000143300 4/4 \$.00
Shelby Cnty Judge of Probate, AL
11/01/1979 12:00:00 AM FILED/CERT

FILED IN OFFICE, This the 12th day
of March 1979

Kyle Simpson

Register Circuit Court of
Shelby County, Alabama

BOOK 33 PAGE 508