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LOWELL ROCKS,
PLAINTIFF
VS.

CLIFTON WALLACE, IMOGENE WALLACE,
and EUNICE G. WALLACE,
DEFENDANTS

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CASE NO. CV-81-220(E)

FINAL JUDGMENT

This cause comes on for final judgment upon the Complaint of the plaintiff, Lowell Rocks, the Answer of the defendants, Clifton Wallace, Imogene Wallace, and Eunice G. Wakkace, and upon the other pleadings and proof as noted by the Register, and upon the testimony of the witnesses heard ore tenus in open Court, and upon the Exhibits which were received into evidence by the Court during the trial of said cause, and the Court having considered and understood the same, is the opinion and finds that the plaintiff should have the relief as prayed for in said Complaint.

IT IS THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the plaintiff, Lowell Rocks, is the owner of that certain parcel of real property situated in Shelby County, Alabama, more particularly described as follows:

10 acres, more or less, in the SW corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, Township 18, Range 1 East, described as follows: Beginning at the SW corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section; thence run North 170 yards, more or less, to the Old Vandiver and Sterrett Public Road; thence East along the South margin of said Old road a distance of 237 yards, more or less, to an iron stob on the South margin of said old road; thence South 170 yards, more or less to an iron stob on the North margin of the New Highway; thence West along the South boundary line of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ 220 yards, more or less, to the SW corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, the point of beginning; containing 10 acres, more or less, and being situated in Shelby County, Alabama, being the same property heretofore conveyed by Alice B. Rocks, a widow, to Lila Lee Rocks by deed dated April 4, 1971, and recorded in Deed Book 267, page 610, Office of Judge of Probate of Shelby County, Alabama.

2. That the defendants, Clifton Wallace and wife, Imogene Wallace, are the owners of that certain parcel of real property situated in Shelby County, Alabama, lying adjacent to the above described property of the plaintiff, said property of said Clifton Wallace and wife, Imogene Wallace, being more particularly described as follows:

Certified a true and complete copy

Lyle Lunsford
Register of Circuit Court

Commencing at an iron pipe at the NW corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, Township 18 South, Range 1 East; and run thence magnetic South 4 deg. 16' East along old fence line a distance of 1313.4 feet to the SW corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14; thence run 90 deg. left along the South line of said forty acres 660 feet to a point; run thence 87 deg. 27' to the left and along the East line of James L. Baker property a distance of 689.5 feet to an old iron pipe on the South side of the Old Vandiver Road, this being the point of beginning of the land herein described; thence run Easterly along the South side of said Old Vandiver Road a distance of 340 feet; thence run Southerly and parallel with the West boundary of the property herein conveyed, and being parallel with the East boundary of said James L. Baker property a distance of 300 feet; thence run Westerly parallel with the South boundary of said Old Vandiver Road a distance of 340 feet to the East boundary of said James L. Baker property; thence run Northerly along the East boundary of said James L. Baker property a distance of 300 feet to point of beginning.

Begin at the SE corner of that parcel of land described in Deed Book 327, page 422, as recorded in the Probate Records of Shelby County, Alabama, and run in a Southerly direction parallel with the East boundary of the James L. Baker property a distance of 71 feet; thence turn an angle to the right and run Westerly parallel with the South boundary of the Old Vandiver Road a distance of 340 feet more or less, to the East boundary of the James L. Baker property; thence turn an angle to the right and run in a Northerly direction 71 feet to the SW corner of the parcel of land described in Deed Book 327, page 422; thence turn an angle to the right and run along South boundary of that parcel of land described in Deed Book 327, page 422 parallel with the South boundary of Old Vandiver Road a distance of 340 feet to point of beginning.

3. That the defendant, Eunice G. Wallace, is the owner of that certain parcel of real property situated in Shelby County, Alabama, lying adjacent to the above described property of the plaintiff, said defendant's property being more particularly described as follows:

All that portion of the hereinafter described land lying North of the new paved Sterrett-Vandiver paved road, said land being described as follows: Commencing at an iron pipe at the NW corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14 and run thence magnetic south, 4 deg. 16' East along old fence line a distance of 1313.4 feet to the SW corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14; run thence 90 deg. left along the South line of said forty acres 660 feet to the point of beginning of the tract of land herein described; run thence 87 deg. 27' to the left and along the East line of James L. Baker property a distance of 689.5 feet to an old iron pipe on the South side of the old Vandiver Road; run thence 88 deg. 43' to the right a distance of 252.8 feet; run thence 46 deg. 56' to the right a distance of 568.1 feet; run thence 41 deg. 48' to the right a distance of 257.5 feet to the SE corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14; thence turn 90 deg. to the right and along the South line of said forty acres a distance of 660 feet to the point of beginning of said tract of land herein described; being situated in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, Township 18 South, Range 1 East. It being understood that said property lies North of the new paved Sterrett-Vandiver Road.

LESS AND EXCEPT that portion of the above described property which is owned by Clifton Wallace and wife, Imogene Wallace, and which is more particularly described above herein.

LESS AND EXCEPT also, that portion of the above described property heretofore conveyed by said Eunice G. Wallace to Charles Leo Smith and wife, Betty Mae Smith, being more particularly described as follows:

Certified a true and complete copy

K. L. Sanford 11/19/82
Register of Deeds Court

Commencing at an iron pipe at the NW corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, Township 18 South, Range 1 East and run thence magnetic South 4 deg. 16' East along old Fence line a distance of 1313.4 feet to the SW corner of said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14; run thence 90 deg. left along the South line of said forty acres 660 feet; thence run North 87 deg. 27' to the left and along the East line of James L. Baker property to the intersection thereof with the North right of way line of the paved Sterrett-Vandiver Road (Alabama Highway No. 25) which is the point of beginning of the parcel herein described; thence run East along the North right of way line of said paved road a distance of 200 feet; thence run North, parallel with the West line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 150 feet; thence run Northwesterly a distance of 200 feet, more or less, to a point on the East line of said James L. Baker property which is 200 feet North of the point of beginning; thence run South along the East line of said James L. Baker property a distance of 200 feet to the point of beginning.

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4. That the boundary line between the above described property of the plaintiff and the above described property of the defendants was in dispute between said parties at the time of the filing of plaintiff's Complaint in this cause, and that the true and correct boundary line between said parcels lies on and along an existing fence which has stood in its present location, having been repaired from time to time, for more than fifty years prior to the filing of the Complaint in this cause, said fence marking the East line of property formerly known as "the James L. Baker property", said fence extending Southerly from an old iron stob which is now, or was previously, in place on the South line of the old Vandiver and Sterrett public road, to an old iron stob, which is now, or was previously, in place on the North line of Alabama Highway No. 25.

5. That the plaintiff is the owner of and is entitled to the possession of all land described above in paragraph No. 1 and lying adjacent to and to the West of said existing fence, and that the defendants, Clifton Wallace and wife, Imogene Wallace, are the owners of and are entitled to the possession of all land described above in paragraph No. 2 and lying adjacent to and to the East of said existing fence, and that the defendant, Eunice G. Wallace, is the owner of and is entitled to the possession of all land described above in paragraph No. 3 and lying adjacent to and to the East of said existing fence.

6. That the corners or markings set by surveyor, Joseph E. Conn, Jr., in connection with his survey of October 30, 1980, and which purport to mark the boundary line between the property of the plaintiff and the property of the defendants, and which are located some 16 feet West of said existing fence, do not, in fact, mark the true and correct property line between the property of the plaintiff and the property of the defendants, and the plaintiff may now remove said corners or markings which were set by said surveyor.

7. That the defendants are permanently restrained and enjoined from interfering in any wise with the possession, use, and enjoyment of the plaintiff and his successors in title to the property which is more particularly described above in paragraph No. 1 lying to the West of said existing fence, and that said defendants are also enjoined and restrained from destroying or damaging in any wise said existing fence.

8. That a copy of this Final Judgment certified as being true and correct by the Register of this Court be recorded in the Office of the Judge of Probate of Shelby County, Alabama, the costs thereof to be taxed as costs of court in this cause.

9. That the costs of court accrued in this cause be, and the same are hereby taxed against the defendants, for which let execution issue.

DONE AND ORDERED this 19 day of November, 1982.

Harold E. McQueen
CIRCUIT JUDGE

FILED IN OFFICE THIS THE 19 DAY
OF November 19 82

Kyle Sanford

Clerk of Circuit Court
Shelby County, Alabama

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

1982 NOV 22 AM 10:54

Thomas A. Snow
JUDGE OF PROBATE

Rec'd 6.50
Jud 1.00
7.50

Certified a true and complete copy

Kyle Sanford 11/19/82
Register of Circuit Court

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