

ARCHIE H. WITT, III,

PLAINTIFF,

VS.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

PALMER G. O'BARR; MARTHA J.
O'BARR; R. NELSON NASH;
THOMPSON PROPERTIES, INC.;
C. D. NICHOLS; AMERICAN
TITLE INSURANCE COMPANY;
and UNION OIL OF CALIFORNIA,
a corporation, Pure Oil
Division,

DEFENDANT.

CASE NO. CV-78-16(E)

FINAL ORDER AND JUDGMENT

This matter was called for trial on the regular docket for February 2, 1983. At that time all parties represented by counsel appeared before the Court and represented that they had agreed to the following final order and judgment being entered. Wherefore, it is hereby ORDERED, ADJUDGED and DECREED that:

1. Title to the following described property:

SE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying Southeast of county road, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and also all that part of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ lying Southeast of right of way of Central of Georgia Railroad, all in Section 33, Township 17 South, Range 1 E, Shelby County, Alabama.

Mineral and mining rights except on all property in SE $\frac{1}{4}$ of NE $\frac{1}{4}$. Also except a tract 81 feet by 81 feet lying in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ to Edgar and Clara Dillashaw and as shown by their deed recorded in Deed Book 209, Page 666.

and quieted

is vested/in Archie H. Witt, III, all other parties to this suit acknowledging that they claim no right, title, or interests in that property. The interest of Archie Witt/III is free and clear of all liens and claims from any other party to this action, including, but not limited to, the various judgments against Shelby Silica Sands which had been recorded.

2. Judgment is hereby entered in favor of American Title Insurance Company and against Palmer G. O'Barr in the sum of FORTY THOUSAND AND NO/100 (\$40,000.00) DOLLARS on the cross-claim for breach of warranty.

3. All other or further claims between the parties to this action are hereby dismissed with prejudice.

4. The sum of money in that certain escrow account on deposit with Jefferson Federal Savings and Loan Association, Account No. 43847, between Palmer G. O'Barr and wife, Martha J. O'Barr, as owners and American Title Insurance Company, a corporation, an escrow agent is hereby forfeited to American Title Insurance Company, a corporation and all funds in said escrow account are ordered transferred to American Title Insurance Company, a corporation.

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5. The costs in this action are hereby taxed against the
the Defendant, Palmer G. O'Barr.

DONE and ORDERED this 2 day of Feb, 1983.

Robert R. Armstrong, Jr.
Robert R. Armstrong, Jr.
Circuit Judge

BOOK SPACE 322

IN ALABAMA
I CERTIFY THIS
INSTRUMENT WAS FILED
1983 FEB -3 AM 10:17
Thomas A. Henderson, Jr.
JUDGE OF PROBATE

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FILED IN OFFICE THIS THE 2nd DAY
OF February, 1983
Kyle Sanford
Clerk of Circuit Court
Shelby County, Alabama

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