

RALPH W. HILL, et al,	*	IN THE CIRCUIT COURT FOR
	*	
Plaintiffs,	*	SHELBY COUNTY, ALABAMA
	*	
VS	*	CIVIL ACTION NUMBER
	*	
CALVIN BEARDEN, et al,	*	
	*	
Defendants.	*	CV-84-325 (E)

SUMMARY JUDGMENT

Ralph W. Hill and Janice C. Hill's motion for summary judgment as to Calvin Bearden, Lorene Bearden and Jerry Boothe is hereby GRANTED.

It is the finding of this court that there is no genuine issue as to any material facts in this cause. It is shown from the sworn items in this case that the plaintiffs' are the record deed owners of the subject property, and that the tax deed issued to Jerry Boothe and Calvin Bearden by the Shelby County Probate Judge is due to be set aside and held for naught because, as shown by the affidavit of Ralph W. and Janice C. Hill, the lands were sold for taxes which were not liable therefor.

Wherefore, the said tax deed issued to Jerry Boothe and Calvin Bearden by the Shelby County Probate Judge on May 25, 1985 is hereby set aside and held for naught. It is further ORDERED, ADJUDGED and DECREED that, as between Calvin Bearden Lorene Bearden and Jerry Boothe, Ralph W. Hill and Janice C Hill, Ralph W. Hill and Janice C. Hill are the owners of the following described property, and that Ralph W. Hill and Janice C. Hill and Jerry Boothe have no right to, interest in or encumbrance upon the said property whatsoever:

Begin at the southwest corner of the southeast quarter of the southwest quarter of Section 18, Township 24 north, Range 12 east, Shelby County, Alabama; thence in an easterly direction along the south boundary of said Section 669.32 feet; thence left 105 degrees and 43 minutes in a northwesterly direction 1224.76 feet to intersection with the southeast right-of-way boundary of Alabama Highway 25; thence left 95 degrees and 24 minutes in a southwesterly direction along said southeast right-of-way boundary 388.17 feet to the point of beginning of the arc of a curve, tangent to said straight line, being subtended by a central angle of 0 degrees and 15 minutes, having a radius of 3682.23 feet and having a chord of 16.20 feet in length; thence southwesterly along said arc which

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of _____ 15
AUG 26 1986

Kyle Rinsford

Register Circuit Court of
Shelby County, Alabama

Mitchell Spear

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is also said southeast right-of-way boundary 16.20 feet; thence left 81 degrees and 29 minutes and 30 seconds from said chord in a southeasterly direction 117.10 feet; thence right 83 degrees and 40 minutes in a southwesterly direction 203.30 feet; thence in a southerly direction along a line parallel to the east boundary of said quarter-quarter section 854.02 feet, more or less, to intersection with said south boundary of said section; thence easterly along said south boundary 175.00 feet, more or less, to the point of beginning.

DONE and ORDERED this 20 day of August, 1986.


Robert R. Armstrong, Jr.
Circuit Judge

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RALPH W. HILL, et al,
Plaintiffs,

vs

CALVIN BEARDEN, et al,
Defendants.

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CIVIL ACTION NUMBER

CV-84-325 (E)

EX MERO MOTU AMENDMENT TO SUMMARY JUDGMENT

In the Summary Judgment of August 20, 1986, paragraph three, due to a clerical error, is hereby amended as follows:

"...Wherefore, the said tax deed issued to Jerry Boothe and Calvin Bearden by the Shelby County Probate Judge on May 25, 1985, is hereby set aside and held for naught. It is further ORDERED, ADJUDGED and DECREED that, as between the plaintiffs, Ralph W. and Janice C. Hill, and defendants, Calvin Bearden, Lorene Bearden, and Jerry Boothe, Ralph W. and Janice C. Hill are the owners of the following described property, and that Calvin Bearden, Lorene Bearden, and Jerry Boothe have no right to, interest in, or encumbrance upon the said property whatsoever:...."

All else of the Summary Judgment of August 20, 1986 remains the same.

DONE and ORDERED this 2 day of September, 1986.

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of _____ 15 _____

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

Kyle Rensford
Register Circuit Court of
Shelby County, Alabama

1. Deed Tax	\$	<u>—</u>
2. Mtg. Tax		<u>—</u>
3. Recording Fee		<u>750</u>
4. Indexing Fee		<u>100</u>
TOTAL		<u>850</u>

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

1986 SEP 11 AM 10:02

Thomas A. Rensford, Jr.
JUDGE OF THE COURT