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ALMA BROOKER, Executor of the
Estate of Laura Estelle Rutherford,
ALMA BROOKER, MYRTLE C. RUTHERFORD,
et al,

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

Plaintiffs,

CASE NO. CV-87-492(E)

vs.

MATTIE R. JONES,

Defendant.

DECREE CONFIRMING SALE

This cause coming on further to be heard for final decree upon the Register's Report of Sale made pursuant to the former Decree Ordering Sale of this Court rendered heretofore on, to-wit, December 22, 1987, and it appearing to the satisfaction of the Court that Register's Report of Sale, and Register's Report of Reference, was filed in this cause on February 12, 1988, and ordered to lie over in accord with the terms of said former Decree; and further appearing to the satisfaction of said Court that said Register's Report of Sale has laid over for exceptions since February 12, 1988, as prescribed by the Court and that no objections or exceptions have been made or filed;

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BOX A. And it further appearing to the satisfaction of the Court from said Register's Report of Sale, in strict conformity with and pursuant to the terms of said former Decree of this Court rendered on December 22, 1987, the Register of this Court did sell on Friday, February 5, 1988, at 11:00 o'clock a.m. at public auction in front of the Courthouse of Shelby County, at Columbiana, Alabama, to the highest bidder for cash, between the legal hours of sale, after first giving notice by publication in the Shelby County Reporter once a week for three successive weeks prior to said sale, giving the time, place and terms of sale, and a description of said property, the following described real estate and personal property, to-wit:

Real Estate described as follows:

A parcel of land situated in the N 1/2 of Section 4, Township 22 South, Range 3 West described as follows: Commence at the Southeast corner of the NW 1/4 of Section 4 and go North 2 deg. 31 1/2 min. West along the East boundary of said NW 1/4 of Section 4 a distance of 39.20 feet to a point on the North boundary of Shelby County Highway No. 22; thence run North 88 deg. 55 min. West along the North boundary of said Highway for 114.67 feet to the point of beginning of the lot herein conveyed; thence North 1 deg. 05 min. East for a distance of 200.65 feet; thence South 88 deg. 02 min. west to the Northeast corner of a lot conveyed to A. M. Stinson in 1963 as shown by Deed Book 224, page 349 in the Probate Office of Shelby County, Alabama; thence run Southerly along the East line of said Stinson lot to the North boundary of said Highway No. 22; thence run in an easterly direction along the North boundary of said Highway right-of-way to the point of beginning. Situated in Shelby County, Alabama;

Personal property described as follows:

(a) 1986 Fleetwood Mobile Home, I.D. No. TNFL1AF312612967, and the furniture and furnishings located therein, including the stove, refrigerator, washer and dryer, air conditioner;

(b) 1986 Chevrolet Celebrity Classic Automobile, I.D. No. 1G1AW19X5G6102550;

(c) Wonderbed, adjustable;

FILED IN OFFICE THIS THE _____ DAY
OF FEB 26 1988

Kyle Langford

Circuit Clerk and Ex. Sec.
Shelby County, Alabama

Certified a true and complete copy

Kyle Langford
Clerk of Circuit Court

(d) Cedar Bedroom set including cedar chest and chest of drawers;

(e) Singer sewing machine;

(f) Piano-organ keyboard;

(g) One chest type freezer,

for distribution among the said joint owners thereof, and further that as a part of said notice, the Register set forth that the purchaser of said real property at said sale will be furnished with title insurance, and further, that at said sale, the purchasers of said real estate and personal property and purchase prices are shown as follows:

<u>Property:</u>	<u>Purchaser:</u>	<u>Purchase Price:</u>
Real Estate	Charles Bates	\$16,800.00 cash
1986 Fleetwood Mobile Home, furniture and furniture located therein	Florence Rutherford	\$ 8,500.00 cash
1986 Chevrolet Celebrity Classic Automobile	Alma Brooker	\$ 5,000.00 cash
Wonderbed, adjustable	Tim Brooker	\$ 100.00 cash
Cedar Bedroom Set	Florence Rutherford	\$ 250.00 cash
Singer Sewing Machine	Cathy Rutherford	\$ 75.00 cash
Piano-organ keyboard	Tim Brooker	\$ 100.00 cash
Chest Type Freezer	Tim Brooker	\$ <u>152.00</u> cash
	Total	\$30,977.00,

which were the highest and best bids therefor, and which sums total Thirty thousand nine hundred seventy-seven and no/100 (\$30,977.00) Dollars; that said sums are not greatly less than the value of said real estate and personal property, and that said sums totaling Thirty thousand nine hundred seventy-seven and no/100 (\$30,977.00) Dollars are now held by the Register, subject to and awaiting for the orders of this Court; and further it appearing to the satisfaction of the Court from said Register's Report, that, in strict conformity with, and pursuant to the terms of said former decree of this Court rendered on December 22, 1987, the Register did obtain from Lawyers Title Insurance Corporation through Shelby County Abstract & Title Company, Inc., title information and a title insurance binder covering said real property and did offer the same to the purchaser of said real property at said sale, in advance thereof, and that the Register did also report the amount of costs and expense of these proceedings and of the advertisements, costs of title information and title insurance, costs of court, Judicial Sales Commission, and recording of the deed hereinafter ordered and attorney's fees as hereinafter stated to be as follows:

- (1) Due to Shelby County Abstract & Title Company, Inc. for title information and title insurance ----- \$ 175.00
- (2) Expenses for court costs, advertisement and costs of sale to be paid to Frank Ellis, Jr., attorney for plaintiffs ----- \$ 137.10

- (3) Attorney's fee to Frank Ellis, Jr., attorney for plaintiffs, for services rendered in proceedings in Case Number CV-87-492(E) ----- \$ 3,097.70
- (4) Due to Laura Estelle Rutherford Estate as reimbursement for legal publication ----- \$ 130.20
- (5) Cost of recording deed to be paid to Probate Judge of Shelby County ---- \$ 34.00
- (6) Judicial Sales Commission ----- \$ 309.77
- Total ----- \$ 3,883.77.

B. And it further appearing to the satisfaction of the court that all of the above said sums are fair, just and reasonable and should be allowed by the Court and that the services of plaintiffs' attorney, namely, Frank Ellis, Jr., of the firm of Wallace, Ellis, Head & Fowler, Columbiana, Alabama, have been and will inure to the benefit of both parties plaintiffs and party defendant in this cause:

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

1. That the sale by the Register of this Court of the real estate and personal property more particularly described above in this decree to the following purchasers for the following prices:

<u>Property:</u>	<u>Purchaser:</u>	<u>Purchase Price:</u>
Real Estate	Charles Bates	\$16,800.00
1986 Fleetwood Mobile Home, furniture and furniture located therein	Florence Rutherford	\$ 8,500.00
1986 Chevrolet Celebrity Classic Automobile	Alma Brooker	\$ 5,000.00
Wonderbed, adjustable	Tim Brooker	\$ 100.00
Cedar Bedroom Set	Florence Rutherford	\$ 250.00
Singer Sewing Machine	Cathy Rutherford	\$ 75.00
Piano-organ keyboard	Tim Brooker	\$ 100.00
Chest Type Freezer	Tim Brooker	\$ 152.00
	Total	\$30,977.00,

for the total sum of Thirty thousand nine hundred seventy-seven and no/100 (\$30,977.00) Dollars cash was fairly conducted in strict accord with the law and order of this Court and the same is hereby in all respects separately and severally approved, ratified and confirmed by the Court and the Register of this Court is now ordered to (1) Execute, file for record in the office of Judge of Probate of Shelby County, Alabama, and deliver to the said Charles Bates a deed conveying to him all the right, title, claim and interest of all the parties in this cause, namely, to-wit, Alma Brooker, Executor of the Estate of Laura Estelle Rutherford, Alma Brooker, Myrtle C. Rutherford, Eugene Rutherford, Marion Rutherford, Phillip Rutherford, Rita Rutherford, Mattie R. Jones, and Timothy A. Brooker, in and to the said real estate described above, and also obtain and deliver to the said Charles Bates a title insurance policy covering said property in the amount of Sixteen thousand eight hundred and

no/100 (\$16,800.00) Dollars; (2) execute and deliver bills of sale granting, selling and conveying to the purchasers all the right, title, claim and interest of all the parties in this cause, namely, to-wit, Alma Brooker, Executor of the Estate of Laura Estelle Rutherford, Alma Brooker, Myrtle C. Rutherford, Rita Rutherford, Eugene Rutherford, Marion Rutherford, Phillip Rutherford, Mattie R. Jones, and Timothy A. Brooker, in and to the said personal property described above, the said purchasers of personal property, purchase prices and personal property being as follows:

<u>Property:</u>	<u>Purchaser:</u>	<u>Purchase Price:</u>
1986 Fleetwood Mobile Home, furniture and furniture located therein	Florence Rutherford	\$ 8,500.00
1986 Chevrolet Celebrity Classic Automobile	Alma Brooker	\$ 5,000.00
Wonderbed, adjustable	Tim Brooker	\$ 100.00
Cedar Bedroom Set	Florence Rutherford	\$ 250.00
Singer Sewing Machine	Cathy Rutherford	\$ 75.00
Piano-organ keyboard	Tim Brooker	\$ 100.00
Chest Type Freezer	Tim Brooker	\$ 152.00.

2. That the Register be and he is hereby ordered to deduct from the said Thirty thousand nine hundred seventy-seven and no/100 (\$30,977.00) Dollars which is now on deposit in said cause the amount of court costs, expenses of said proceedings, attorney's fees, Judicial Sales Commission, title insurance and other costs of the sale of said property, and of recording the deed to be given in this cause, to be in the amounts hereinafter stated, all of said expenses and the court costs being taxed jointly against the plaintiffs and defendant to be taken out of the total proceeds resulting from the sale of said property prior to the division thereof among the joint owners. Said amounts to be deducted and paid out as follows:

(1) Due to Shelby County Abstract & Title Company, Inc. for title information and title insurance -----	\$ 175.00
(2) Expenses for court costs, advertisement and costs of sale to be paid to Frank Ellis, Jr., attorney for plaintiffs -----	\$ 137.10
(3) Attorney's fee to Frank Ellis, Jr., attorney for plaintiffs -----	\$ 3,097.70
(4) Due to Laura Estelle Rutherford Estate as reimbursement for legal publication -----	\$ 130.20
(5) Cost of recording deed to be paid to Probate Judge of Shelby County ----	\$ 34.00
(6) Judicial Sales Commission -----	\$ 309.77
Total -----	\$ 3,883.77.

3. That the balance of the proceeds held by the Register after payment of the above attorney's fee, court costs, and related expenses should be paid by the Register to the hereinafter named parties in the amount equal the amount set opposite

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their name, said balance being Twenty-seven thousand ninety-three and 23/100 (\$27,093.23) Dollars:

<u>PARTY</u>	<u>AMOUNT</u>
Eugene Rutherford -----	\$ 4,515.53
Myrtle C. Rutherford-----	\$ 4,515.54
Mattie R. Jones -----	\$ 4,515.54
Timothy A. Brooker -----	\$ 4,515.54
Alma Brooker -----	\$ 4,515.54
Rita Rutherford -----	\$ 1,505.18
Phillip Rutherford -----	\$ 1,505.18
Marion Rutherford -----	\$ 1,505.18.

4. That the title of each and every party to this cause is hereby divested out of each of said parties and invested in the said purchasers shown as follows:

Property:

Purchaser:

Real Estate described
above

Charles Bates

1986 Fleetwood Mobile
Home, furniture and
furniture located therein

Florence Rutherford

1986 Chevrolet Celebrity
Classic Automobile

Alma Brooker

Wonderbed, adjustable

Tim Brooker

Cedar Bedroom Set

Florence Rutherford

Singer Sewing Machine

Cathy Rutherford

Piano-organ keyboard

Tim Brooker

Chest Type Freezer

Tim Brooker,

and said sale above described is hereby separately and severally ratified and confirmed.

DONE AND ORDERED this 25 day of February, 1988.


Circuit Judge

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

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JUDGE OF PROBATE

RECORDING FEES

Recording Fee \$12.50

Index Fee 1.00

TOTAL \$13.50