

FILED IN OFFICE THIS TH APR 12 1988 DAY

OF _____, 19____

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HUGH M. MCCLINTON and
JESSIE MCCCLINTON,

PLAINTIFFS

VS

RAYMOND FRANKLIN REYNOLDS
and MARY LEE REYNOLDS,

DEFENDANTS

Kyle Sanford
IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

Circuit Clerk and Register
Shelby County, Alabama

CASE NUMBER CV-87-105

AMENDED FINAL JUDGMENT

The Court, in order to correct clerical errors in the Final Judgment of March 30, 1988, and to clarify the Judgment, enters the following Amended Final Judgment in this cause.

This matter came on to be heard on the 25th day of February, 1988, was submitted on the pleadings of record in this cause.

Upon consideration thereof, together with ore tenus testimony, exhibits introduced into evidence, and the Court's view of the disputed boundary line at the request of the parties, the Court makes the following Findings of Fact and Conclusions of Law, and enters the following Judgment.

FINDINGS OF FACT

1. Plaintiffs are the record title owners of the following lands in Shelby County, Alabama, to-wit:

NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, T19S, R2E.

2. Defendants are the record title owners of the following lands in Shelby County, Alabama, to-wit:

A portion of land on the West side of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T19S, R2E.

3. As early as the 1940's, Defendants and their predecessors in title were in the actual, hostile, open, notorious, exclusive, and continuous possession of a portion of land on the West side of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T19S, R2E, in Shelby County, Alabama, up to a certain fence line on the West side of said forty acres, which fence line still exists in place.

4. As early as the 1940's, Plaintiffs and their predecessors in title were in the actual, hostile, open, notorious, exclusive, and continuous possession of a portion of land on the East side of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, T19S,

R2E, in Shelby County, Alabama, and a portion of land situated on the West side of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, T19S, R2E, up to a certain fence line situated East of the surveyed East line of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 17, T19S, R2E in Shelby County, Alabama, which fence line still exists in place.

5. The fence line which still exists in place proceeds in the same path and direction into the forties North and South of the disputed boundary line.

CONCLUSIONS OF LAW

1. Notwithstanding the location of the surveyed line, the actual boundary line between coterminous owners of lands may be established in the following manner:

"If a coterminous landowner holds actual possession of a disputed strip under a claim of right openly and exclusively for a continuous period of ten years, believing that he is holding to the true line, he thereby acquires title up to that line, even though the belief as to the correct location originated in a mistake, and it is immaterial what he might or might not have claimed had he known he was mistaken."

Sylvest vs. Stowers, 276 Ala., 695, 166 So.2d 423 (1964).

2. The parties, and those through whom they claim, have effectively established the said fence line as the boundary line by means of the character and duration of their possession up to the fence line.

JUDGMENT

It is therefore ORDERED, ADJUDGED, and DECREED by the Court:


1. That the common boundary line between the lands of the Plaintiffs and the lands of the Defendants as aforesaid be and the same is hereby established by the Court as, in and on the fence line now and heretofore existing on the said premises, and the parties are henceforth ORDERED to abide thereby.
2. That the Plaintiff shall place permanent markers on the fence line at the points where said fence line intersects the North and South forties.
3. That the Plaintiff shall file a copy of this Amended Final Judgment in the Probate Office, Shelby County, Alabama.
4. That the costs of the proceeding are taxed to the Defendants, for which execution may issue.

DONE and ORDERED this the 12th day of April, 1988.

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

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J. Thomas G. Henderson, Jr.
JUDGE OF PROBATE


W.W. Rabren, Circuit Judge

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Rec 5.00
Jud 1.00
6.00