

IN THE MATTER OF THE ESTATE OF
MABEL PETERS, DECEASED:

MELINDA S. WOODS, individually,
and as Administratrix of the Estate
of Mabel Peters, deceased,

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CASE NO. 88-364

PLAINTIFF

VS.

PAULETTE S. ALEXANDER,
GERALD SHIRLEY,
BILLIE JEAN DICKERSON,
VELMA McMEEKIN NYBAKKEN,
EARL McMEEKIN,
BRIAN McMEEKIN,
JERRY McMEEKIN and
GLENDA McMEEKIN KOWALSKI,
ROBERT SHIRLEY,

DEFENDANTS

1390
OCT 2 1988
FILED IN OFFICE THIS THE DAY

OF 19

Kyle Ransford

Clerk of Circuit Court
Shelby County, Alabama

JUDGMENT CONFIRMING SALE

This cause coming on to be heard for final judgment upon the Judgment Ordering Sale filed heretofore in this cause on the 29th day of September, 1988 (said document being dated on the 23rd day of September, 1988), and upon the Report of Sale filed heretofore in this cause on the 3rd day of October, 1988, and it appearing to the satisfaction of the Court that said Report of Sale was ordered to lie over for exceptions for a period of ten days, in accordance with the provisions of said Judgment Ordering Sale;

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And it further appearing to the satisfaction of the Court that said Report of Sale has lain over for exceptions for said term of ten days, as prescribed and ordered by the Court, and that no objections or exceptions thereto have been made or filed; and it appearing to the satisfaction of the Court from said Report of Sale that, in substantial conformity with and pursuant to the terms and provisions of said Judgment Ordering Sale, Melinda S. Woods, as Administratrix of the Estate of Mabel Peters, deceased, and as Commissioner of the Circuit Court of Shelby County, Alabama, pursuant to said Judgment Ordering Sale, did sell on the 30th day of October, 1988, at private sale, to Mary S. Rowe, pursuant to the terms and provisions of a Real Estate Sales Contract, a copy of which was attached to said Judgment Ordering Sale, the following described real property, situated in Shelby County, Alabama, to-wit:

Commence at the SW corner of NW 1/4 of the SW 1/4 of Section 34, Township 19 South, Range 1 West, Shelby County, Alabama, and run thence Northerly along the West line of said 1/4 1/4 a distance of 665.05 feet; thence turn a deflection angle of 88 deg. 59' to the right and run Easterly a distance of 630.0 feet to a point; thence turn a deflection angle of 88 deg. 59' to the left and run Northerly a distance of 420.0 feet to the point of beginning of the property being described; thence continue along the last described course for a distance of 336.36 feet to a point; thence turn a deflection angle of 52 deg. 51' to the right and run North-easterly a distance of 184.94 feet to a point; thence turn a deflection angle of 95 deg. 18' to the right and run a distance of 135.00 feet to a point; thence turn a deflection angle of 90 deg. 00' to the left and run a distance of 90.0 feet to a point; thence turn a deflection angle of 90 deg. 00' to the right and run a distance of 70.0 feet to a point; thence turn a deflection angle of 21 deg. 57' 27" to the right and run Southerly a distance of 156.47 feet to a point on the Northerly margin of Shelby County Highway No. 39 in a curve to the left having a central angle of 5 deg. 39' 09" and a radius of 2,765.00 feet; thence turn a deflection angle of 60 deg. 41' 30" to the right to chord and run

Jeannie
10/10/88

along the arc of said curve an arc distance of 272.78 feet to a point on the same said Northerly margin of same said Highway No. 39; thence turn a deflection angle of 41 deg. 10' 30" to the right from chord and run Westerly a distance of 147.72 feet to the point of beginning, according to survey of Joseph E. Conn, Jr., Registered Land Surveyor, No. 9049, dated November 25, 1987. MINERALS AND MINING RIGHTS EXCEPTED. Except right of way of the Chelsea-K Springs Road as now located. All being situated in Shelby County, Alabama.

at and for the total cash sum of \$34,000.00, less closing expenses, as listed and itemized on the closing statement which is attached as Exhibit "A" to said Report of Sale; and it further appearing to the satisfaction of the Court that said Melinda S. Woods, as such Administratrix and as such Commissioner, and pursuant to the authority granted by said Judgment Ordering Sale, at the closing of said sale, executed and delivered a Commissioner's Deed conveying to said Mary S. Rowe, as sole grantee, all of the right, title, claim, and interest of said Melinda S. Woods, individually, and as Administratrix of the Estate of Mabel Peters, deceased, Paulette S. Alexander, Gerald Shirley, Billie Jean Dickerson, Velma McMeekin Nybakken, Earl McMeekin, Brian McMeekin, Jerry McMeekin, Glenda McMeekin Kowalski, and Robert Shirley (a non compos mentis), in and to said real estate;

And it further appearing to the satisfaction of the Court that Jeannie Wade, the attorney closing said sale, whose office address is at 1572 Montgomery Highway, Suite 101, Birmingham, Alabama 35216, and whose mailing address is at P. O. Box 26427, Birmingham, Alabama 35226, is holding said cash sum of \$34,000, for distribution thereof as itemized and listed on said closing statement, and is holding said Commissioner's Deed for delivery to said Mary S. Rowe, upon final confirmation of said sale by this Court, and pending the further order of this Court;

And it further appearing to the satisfaction of the Court from said Report of Sale that, in strict conformity with and pursuant to the terms of said Judgment Ordering Sale, said Melinda S. Woods, as such Administratrix and as such Commissioner, did immediately report in writing and file said Report of Sale in this Court, wherein she reported her actions in making said sale and wherein she reported and itemization of all costs in making such sale, as shown on the closing statement which was attached as Exhibit "A" to said Report of Sale;

And it further appearing to the satisfaction of the Court that said sale by Melinda S. Woods, as such Administratrix and as such Commissioner, and that said Report of Sale, and that all actions taken in effecting such sale, were proper and were in substantial compliance with said Judgment Ordering Sale which was heretofore filed in this cause on the 29th day of September, 1988.

It is therefore, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the private sale to Mary S. Rowe by Melinda S. Woods, as Administratrix of the Estate of Mabel Peters, deceased, and as Commissioner of this Circuit Court of Shelby County, Alabama, as ordered by the Judgment Ordering Sale filed in this cause on the 29th day of September, 1988, of the real property more particularly described above in this Judgment Confirming Sale for the cash sum of \$34,000, less closing expenses, pursuant to the terms and provisions of said Real Estate Sales Contract which was attached as Exhibit "A" to said Judgment Ordering Sale, was fairly conducted and was in substantial accordance with law and with the orders of this Court, and was in substantial conformity with said Judgment Ordering Sale, and that said sale by said Melinda S. Woods, as such Administratrix and as such Commissioner, is in all respects hereby approved, ratified, and confirmed by this Court;

2. That all of the right, title, and interest of said Melinda S. Woods, individually, and as Administratrix of the Estate of Mabel Peters, deceased, Paulette S. Alexander, Gerald Shirley, Billie Jean Dickerson, Velma McMeekin Nybakken, Earl McMeekin, Brian McMeekin, Glenda McMeekin Kowalski, and Robert Shirley, in and to the said real estate more particularly described above in this Judgment Confirming Sale, be, and the same is hereby, vested out of them and vested in said Mary S. Rowe, and said Jeannie Wade, the attorney closing the sale, is hereby ordered and directed to deliver to said Mary S. Rowe, the said Commissioner's Deed which she is holding in this cause, and is further ordered and directed to deliver to said Melinda S. Woods, as Administratrix of the Estate of Mabel Peters, deceased, the cash sum of \$34,000.00 which she is holding for distribution, the same to be distributed in accordance with the closing statement which is attached as Exhibit "A" to said Report of Sale, the net amount of \$30,536.10 to be delivered to Melinda S. Woods, as Administratrix of the Estate of Mabel Peters, deceased.

3. That upon receipt of said net amount of \$30,536.10, said Melinda S. Woods, as Administratrix of the estate of Mabel Peters, deceased, is ordered and directed to distribute and disburse the same as follows:

(A) To Melinda S. Woods, individually, as reimbursement for necessary expenses heretofore paid by her, the sum of \$1,146.00;

(B) To Oliver P. Head, the attorney for the plaintiff, as reimbursement for necessary expenses heretofore paid, the sum of \$219.48;

(C) To Oliver P. Head, attorney for the plaintiff, for his services rendered in this cause which have inured to the benefit of all the joint owners of said property, the sum of \$2500.00;

(D) To Lindsey Allison, the Guardian ad Litem in this cause for her services rendered herein, the sum of \$350.00;

(E) To Robert Dow, the real estate appraiser who was employed in this cause to appraise said real property, the sum of \$325.00;

(F) The remaining sum of \$25,995.62, will be held by said Melinda S. Woods, as Administratrix of the Estate of Mabel Peters, deceased, for distribution to the joint owners thereof, who are the plaintiff and the defendants herein, through the administration of said estate of Mabel Peters, deceased, as distributees of said estate, and in accordance with the law and orders of this Court.

4. That court costs accrued in this cause are taxed as paid. The Court determines that the provisions of 1975 Code of Alabama 12-19-3 are not applicable to this sale, and the Register of this Court is directed not to collect the fee as provided by said statute herein.

Done and ordered this 19 day of October, 1988.


Circuit Judge

I, Kyle Lansford, Register of the Circuit Court for Shelby County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office, and the cost has been paid.

Witness my hand and seal this 19 day of October, 1988.

STATE OF ALABAMA
I CERTIFY THIS
INSTRUMENT WAS FILED

88 OCT 20 PM 1:45

CLERK OF PROBATE

Rec. 750
Due 800
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Register, Circuit Court.