

SHARON SEALE,

Plaintiff,

vs.

RICKY WAYNE SEALE, a/k/a
 RICK SEALE, SHELBY COUNTY
 PLANNING COMMISSION, J. D.
 ROBINSON,

Defendants.

IN THE CIRCUIT COURT

FOR

SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. CV-87-210(E)

AMENDED DECREE OF SALE

BOOK 226 PAGE 212

The Court on its own initiative, after having further considered (i) Plaintiff's Exhibit One, which is the deed of conveyance recorded on June 13, 1986 at 10:22 A.M. in Real Book 76, at Pages 421-422, in the Office of the Judge of Probate of Shelby County, Alabama, creating the joint tenancy, with right of survivorship, between the joint owners Sharon Seale and Ricky Wayne Seale in and to the real estate to be sold in this civil action, and (ii) the claim appearing of record in the Office of the Judge of Probate of Shelby County, Alabama by the lien claimant J. D. Robinson, a party Defendant in this case, hereby amends the Decree of Sale entered in this case on January 6, 1989 in the following respects: (1) The real estate made the subject of this Decree of Sale is as described in Plaintiff's Exhibit One and in Exhibit "A" annexed hereto; (2) the Clerk of this Court shall cause an Amended Notice of Sale to be published in the Shelby County Reporter in its editions for February 15, 22 and March 1, 1989 describing the real estate to be sold the same as it is described in Exhibit "A" annexed hereto, but in all other respects the time, place and terms of the sale shall be as stated in the Notice of Sale that was first published in the Shelby County Reporter on January 25, 1989; and, (3) it is hereby adjudged that J. D. Robinson has no lien or other interest in or claim to the real estate to be sold. It is further ordered that the Clerk of this Court record a certified copy of this judgment in the Office of the Judge of Probate of Shelby County, Alabama, in satisfaction of the lien statement by J. D. Robinson asserting a mechanic's and materialman's lien against the real estate to be sold, which lien statement was recorded on December 23, 1986 in Real Book 106, at Pages 571-573, in said Probate Records.

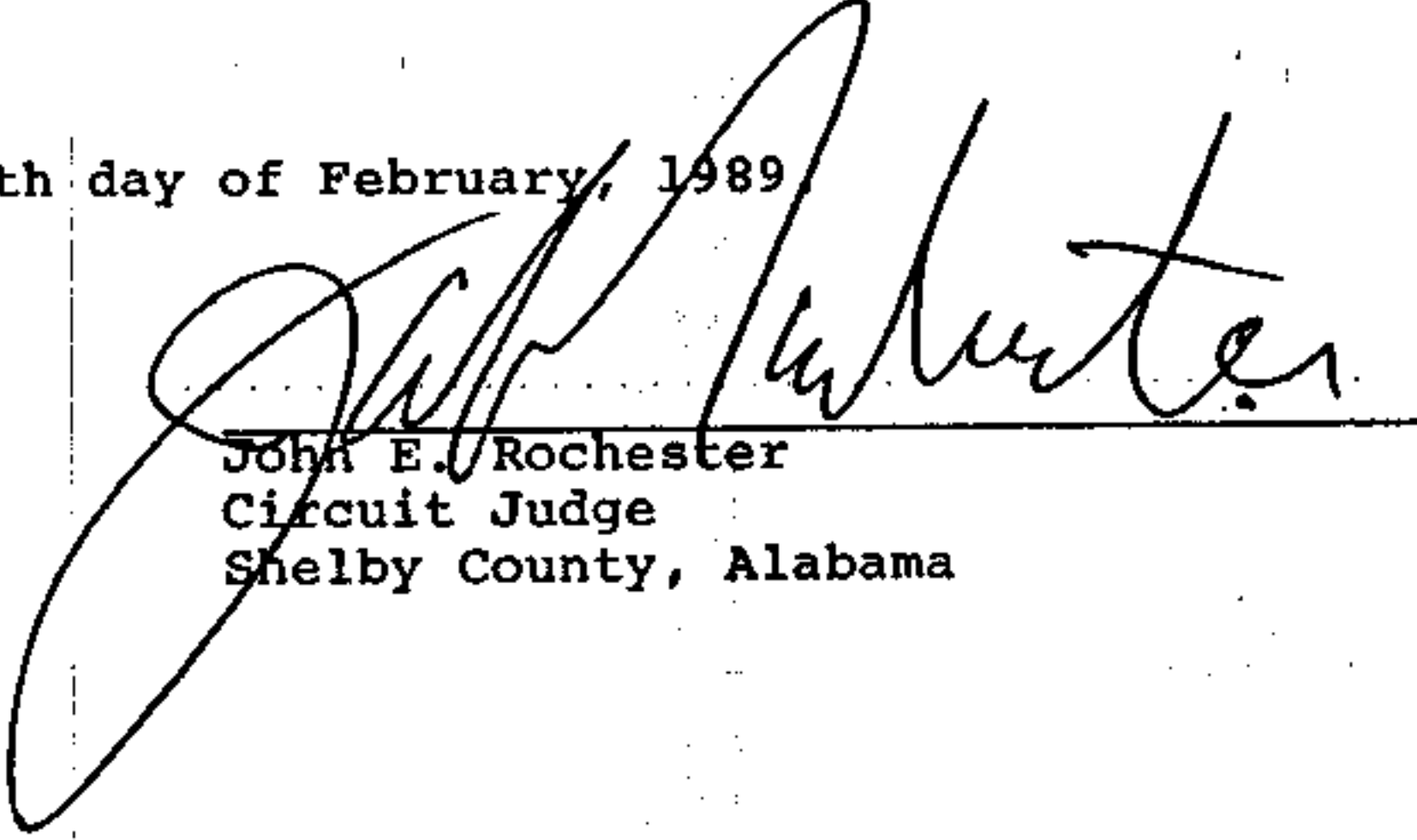
The motion of Plaintiff's attorney filed on January 18, 1989 seeking award of a reasonable attorney's fee for services to the

Wade Martin

common estate is hereby taken under advisement in accordance with Section 34-3-60, 1975 Code of Alabama, until entry of the final judgment in this case after consideration of the Report of Sale to be made by the Clerk of this Court, as ordered.

In response to the petition to this Court filed on January 25, 1989 by Defendant Shelby County Planning Commission, the Court is of the opinion that neither the interlocutory order entered on January 6, 1989 or this interlocutory order involves (i) a controlling question of law as to which there is substantial ground for difference of opinion, and (ii) such an order that an immediate appeal would materially advance the ultimate termination of this litigation, and (iii) such an order that an immediate appeal would avoid protracted and expensive litigation.

DONE and ORDERED this 10th day of February, 1989


John E. Rochester
Circuit Judge
Shelby County, Alabama

FILED IN OFFICE THIS THE 10th DAY
OF Feb, 1989



Circuit Clerk and Register
Shelby County, Alabama

EXHIBIT "A"

LEGAL DESCRIPTION OF REAL PROPERTY

Commence at the Northwest corner of Section 35, T.S. 24N, R 15E, Shelby County, Alabama and run thence East along the North line of said Section 35 a distance of 1,007.47' to a point, Thence run South a distance of 1,238.20' to a point on the water line of Lay Lake and the point of beginning of the property being described, Thence run N 30°-49'-15"E a distance of 40.06' to a point, Thence run N 30°-56'-08"E a distance of 36.66' to a point, Thence run N 29°-06'-44"E a distance of 70.35' to a point, Thence run N 56°-25'-52"E a distance of 20.38' to a point, Thence run N 18°-38'-14"E a distance of 40.90' to a point, Thence run N 46°-29'-04" E a distance 45.39' to a point, Thence run S 77°-56'-45"E a distance of 35.79' to a point, Thence run S 19°-48'-16"W a distance of 608.04' to a point on the North line of a public road, Thence run S 79°-05'-56"W along the chord of a curve to the left having a central angle of 26°-49'-31" and a radius of 246.42' a chord distance of 114.32' to a point, Thence run S 65°-41'-11"W a distance of 53.00' to a point, Thence run N 116°-10'-40"W along the chord of a curve to the right having a central angle of 55°-59'-59" and a radius of 101.05' a chord distance of 94.88' to a point, Thence run N 35°-20'-08" E a distance of 501.46' to the point of beginning. LESS and EXCEPT minerals and mining rights.

BOOK 226 PAGE 214

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

89 FEB 10 PM 12:18

Thomas G. Snowden, Jr.
JUDGE OF PROBATE

750
100
850