



line in 1969 or a portion thereof, was originally erected by the Defendants to enclose and domesticate a deer which Mr. Skelton had found in the woods and had obtained approval to keep from the Alabama Department of Game and Conservation. The fence line, which still exists in place, proceeds in the same path and direction as the disputed boundary line.

#### CONCLUSIONS OF LAW

1. Notwithstanding the location of the surveyed line, the actual boundary line between coterminous owners of land 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 defendants 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:

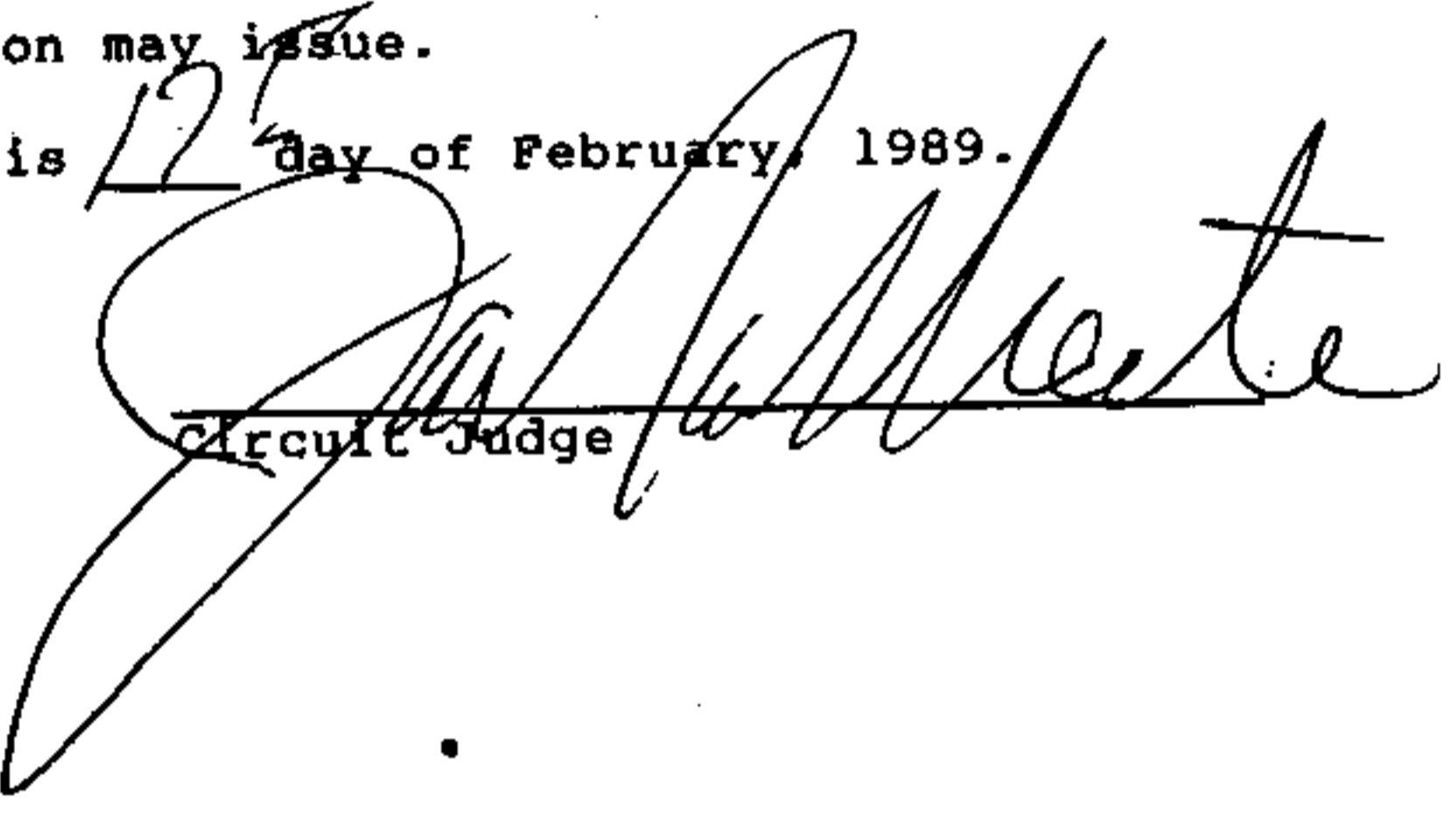
1. That the relief requested by Plaintiffs is DENIED.
2. That the common boundary line between the lands of the Plaintiffs and the lands of the Defendants as aforesaid be and the same is hereby established by the Court as, in and on the fence line now and heretofore existing on the said premises, and the parties are henceforth ORDERED to abide thereby.
3. That the Defendants shall place permanent markers on the fence line and, in particular, place an iron locating the

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Northeast corner at it now exists where the Northeast corner of the fence terminates.

4. That a copy of this order be recorded in the land records in the Probate Office of Shelby County, Alabama.

5. That the costs of the proceeding are taxed to the Plaintiffs, for which execution may issue.

DONE and ORDERED this 12<sup>th</sup> day of February, 1989.  
  
Circuit Judge

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

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JUDGE OF PROBATE