

MAR 26 1991

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CLAUDE EDWARD SCHRADER,

2096

Plaintiff,

vs.

CASE NO. CV-84-311(E)

T. O. COX, AMSOUTH BANK,  
N.A., as Trustee of the  
T. O. COX Family Trust  
and the T. O. COX Marital  
Trust, pursuant to the will  
of T. O. COX, deceased,  
et al,

Defendants.



ORDER OF COURT

This case coming on to be heard on February 21, 1991, and the plaintiff, Claude Edward Schrader, being present in open court in person and by and through his attorney of record, the Honorable James R. Kramer, and the defendant, AmSouth Bank N.A., as Trustee of the T. O. Cox Family Trust and the T. O. Cox Marital Trust, pursuant to the will of T. O. Cox, hereinafter referred to as "AmSouth Bank", being present by its representative and attorney of record, Frank Ellis, Jr., the Court proceeded to hear testimony under oath offered by both the plaintiff and the defendant. Upon due consideration of the pleadings and proof in this cause, the Court hereby makes and enters its findings of fact and orders as follows:

FINDINGS OF FACT

The Court finds the following facts from the evidence:

1. That the defendant, AmSouth Bank N.A., as Trustee of the T. O. Cox Family Trust and the T. O. Cox Marital Trust, pursuant to the will of T. O. Cox, is the record owner of the NE 1/4 of the NW 1/4 of Section 28, Township 24-North, Range 15 East, Shelby County, Alabama.
2. That the plaintiff, Claude Edward Schrader, is the owner of the NW 1/4 of the NW 1/4 of Section 28, Township 24-North, Range 15 East, Shelby County, Alabama.
3. That the boundary line between the property owned by the defendant as described in Paragraph 1 above and that owned by the plaintiff in Paragraph 2 above was and is properly located on the ground by the survey prepared by Evander E. Peavy, pursuant to previous order rendered by this Court in this cause, pertinent portions of which said survey are attached to this decree as Exhibit "A" and made part and parcel hereof as fully as if set out herein.
4. That the defendant, AmSouth Bank, is the owner of all that portion of the SW 1/4 of the NW 1/4 of Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, lying Southeast of the following diagonal line: Begin said diagonal line at the Northeast corner of the SW 1/4 of the NW 1/4 of Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, at a point where such corner was located by the survey of Evander E. Peavy dated October 5, 1986, a copy of which survey is attached hereto as Exhibit "A"; thence run in a straight line to the Southwest corner of the SW 1/4 of the NW 1/4 of said Section 28 as such corner is located according to said survey of Evander E. Peavy shown on Exhibit "A".

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W.E.H.F.

That the plaintiff, Claude Edward Schrader, is the owner of all that portion of the SW 1/4 of the NW 1/4, Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, lying Northwest of the diagonal line described as follows: Begin said diagonal line at the Northeast corner of the SW 1/4 of the NW 1/4 of Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, at a point where such corner was located by the survey of Evander E. Peavy dated October 5, 1986, a copy of which survey is attached hereto as Exhibit "A"; thence run in a straight line to the Southwest corner of the SW 1/4 of the NW 1/4 of said Section 28 as such corner is located according to said survey of Evander E. Peavy shown on Exhibit "A".

Both the ownership of the plaintiff, Claude Edward Schrader, and defendant, AmSouth Bank, N.A., as Trustee of the T. O. Cox Family Trust and the T. O. Cox Marital Trust, pursuant to the will of T. O. Cox, deceased, to property in the SW 1/4 of the NW 1/4 of said Section 28 is less and except and subject to all flood rights and easements heretofore acquired by Alabama Power Company.

#### ORDER OF COURT

It is therefore, considered, ordered, adjudged and decreed by the Court as follows:

1. That the boundary line between the NE 1/4 of the NW 1/4 and the NW 1/4 of the NW 1/4 of Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, is the line established by the survey of Evander E. Peavy dated October 5, 1986, as shown on Exhibit "A" attached to this order; said boundary line shall extend from the Northeast corner of NW 1/4 of NW 1/4 indicated on the Evander E. Peavy survey by the point marked as a "set disc" and shall then extend Southerly 1322.61 feet along the indicated division line between said two quarter-quarter sections to the "set disc" indicated by the survey of Evander E. Peavy as being the center of the Northwest quarter of said Section 28.

2. That the plaintiff, Claude Edward Schrader, is hereby declared to be the owner of and vested with fee simple title to the following described property situated in Shelby County, Alabama, to-wit: All that portion of the SW 1/4 of the NW 1/4, Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, lying Northwest of the diagonal line described as follows: Begin said diagonal line at the Northeast corner of the SW 1/4 of the NW 1/4 of Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, at a point where such corner was located by the survey of Evander E. Peavy dated October 5, 1986, a copy of which survey is attached hereto as Exhibit "A"; thence run in a straight line to the Southwest corner of the SW 1/4 of the NW 1/4 of said Section 28 as such corner is located according to said survey of Evander E. Peavy shown on Exhibit "A".

3. That the defendant, AmSouth Bank, N.A., as Trustee of the T. O. Cox Family Trust and the T. O. Cox Marital Trust, pursuant to the will of T. O. Cox, deceased, is hereby declared to be the owner of and vested with fee simple title to the following described property situated in Shelby County, Alabama, to-wit: All that portion of the SW 1/4 of the NW 1/4 of Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, lying Southeast of the following diagonal line: Begin said diagonal line at the Northeast corner of the SW 1/4 of the NW 1/4 of Section 28, Township 24 North, Range 15 East, Shelby County, Alabama, at a point where such corner was located by the survey of Evander E. Peavy dated October 5, 1986, a copy of which survey is attached hereto as Exhibit "A"; thence run in a straight line to the Southwest corner of the SW 1/4 of the NW 1/4 of said

Section 28 as such corner is located according to said survey of Evander E. Peavy shown on Exhibit "A".

4. All other relief prayed for by the plaintiff in his complaint and by the defendants in their counterclaim is hereby denied.

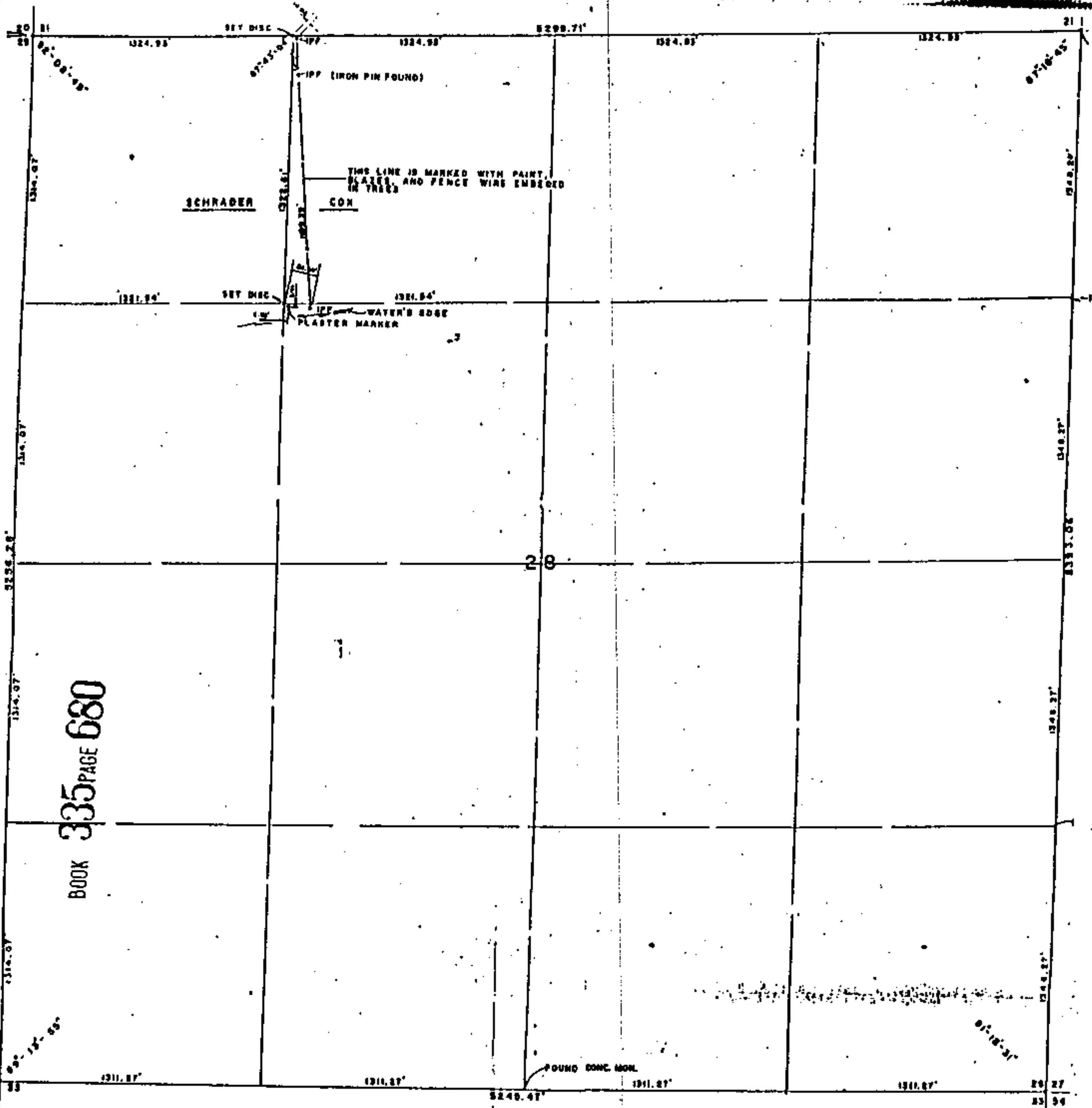
5. That a copy of this Court Order be recorded by the Clerk in the office of the Judge of Probate of Shelby County, Alabama in the appropriate real property books and cross indexed in the name of both the plaintiff and the defendants.

6. That all heretofore paid and prior paid costs of court are taxed to the respective parties as paid. All remaining court costs assessed in this case by the Clerk shall be taxed to and paid one-half by the plaintiff, Claude Edward Schrader, and one-half by the defendant, for which let execution issue after the expiration of thirty days from the date hereof.

This 18<sup>th</sup> day of March, 1991.

J. Al Gowan  
Circuit Judge

# Exhibit "A"



## SECTION 28. T-24-N

STATE OF ALABAMA  
SHELBY COUNTY  
I, EVANDER E. PEAVY, A REGISTERED LAND SURVEYOR IN THE STATE  
OF ALABAMA, HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT  
PLAT OF THE LAND SHOWN HEREON AND SO SURVEYED BY ME THIS  
5<sup>TH</sup> DAY OF OCTOBER, 1968.

*Evander E. Peavy*  
ALA. REG. NO. 8168



**EVANDER E. PEAVY**  
CIVIL ENGINEERING AND LAND SURVEYING  
2438 MONTE VISTA DRIVE, BIRMINGHAM, ALA.

DATE 10-08-68 CHECKED E.E.P. TRACES  
APPROVED E.E.P.  
APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

SCALE 1"=20'  
SHEET 1 OF 1 SHEETS  
SUPERSEDES

**D-100586**

CLAUDE EDWARD SCHRADER,  
PLAINTIFF

VS

T.O. COX, et al.,  
DEFENDANTS



IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
CIVIL ACTION NUMBER  
CV-84-311

AMENDMENT TO ORDER  
EX MERO MOTU

This Court in its order dated March 18, 1991 ordered the Clerk to record said order in the Probate Court. Now being informed that there is no money to do this, the Court now enters the following order.

It is ORDERED and ADJUDGED by the Court as follows:

That Paragraph 5 of its order be deleted and in its stead the following Paragraph 5 shall be inserted:

5. That the Defendant shall forthwith record a copy of this order in the office of the Judge of Probate in Shelby County, Alabama in the appropriate real property books and cross indexed in the name of both Plaintiff and the Defendants, and that the Plaintiff shall reimburse the Defendants one-half (1/2) the cost of recording same.

All other provisions of this Court's order dated March 18, 1991, shall remain unaltered and unaffected by the order of this date.

DONE and ORDERED this 22<sup>nd</sup> day of March, 1991.

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

91 MAR 29 PM 1:25

*D. Al Crowson*  
JUDGE OF PROBATE

*D. Al Crowson*  
Circuit Judge

1. Deed Tax	—	\$	—
2. Mtg. Tax	—	\$	—
3. Recording Fee	—	\$	12.50
4. Indexing Fee	—	\$	3.00
5. No Tax Fee	—	\$	—
6. Certified Copy	—	\$	1.00
Total	—	\$	16.50

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