

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF
THE ESTATE OF IVA NORA ARTHUR,
DECEASED,

CIVIL ACTION NO:
CV-89-621
NEW NUMBER: CV-91-454

O R D E R

THIS CAUSE, coming on for hearing upon the Motion to Reconsider filed by Violet Lorene Spence, Virginia Maddox and Walter Maddox and the Verified Petition and Statement of Facts filed by Lorene Michelle McFadden, as Executrix of the Estate of Iva Nora Arthur, deceased. The Court having considered same and having reviewed the prior agreed to settlement and Order entered on July 12, 1991, and the Verified Petition and Statement of Facts along with the Exhibit "A" to the Verified Statement of Facts which is the Executrix's interim accounting report for the period from appointment through September 1, 1991, is of the opinion that the following relief should be granted.

IT IS THEREFORE, THE ORDER, JUDGMENT AND DECREE OF THIS Court as follows:

1. The Motion to Reconsider filed by Violet Lorene Spence, Virginia Maddox and Walter Maddox is hereby denied.

2. The request contained in the Verified Petition and Statement of Facts of the Executrix, Lorene Michelle McFadden, is hereby granted. More specifically, the reconciliation contained in Exhibit "A" to the Verified Petition and Statement of Facts is accepted and approved by this Court and it is the Order of this Court that the sum of NINE THOUSAND THREE HUNDRED FORTY-EIGHT AND 44/100 (\$9,348.44) DOLLARS, as shown as the balance due in Annex

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DANIEL McFADDEN
319 NO BURBANK DRIVE
BIRMINGHAM, ALA
35226

A to Exhibit "A" is approved and the Executrix is authorized to pay said sums of money to the parties and/or entities as set forth in Exhibit "A" and annexes A through J contained therein.

3. That the request for an Executrix fee of FIFTEEN THOUSAND (\$15,000) DOLLARS made by the Executrix, Lorene Michelle McFadden, is approved.

4. That pursuant to the Order of July 12, 1991, the Executrix is authorized to proceed to sell any and all property and make conveyances of land in her sole discretion in order to effectuate the intent of that Order and this Order approving and authorizing payment of expenses and fees as set out in Exhibit "A" and the annexes attached thereto to the Verified Petition and Statement of Facts.

5. The Court finds that the expenses and fees, including the Executrix' fees, are reasonable based upon the extraordinary efforts and duties thrust upon the Executrix as a result of the various lawsuits into which she was brought because she was the Executrix. The Court is mindful of the fact that the Executrix, under this will, Lorene Michelle McFadden, is not a beneficiary and obtains nothing whatsoever from the estate of Iva Nora Arthur and that all of her efforts have been expended on behalf of the estate and the beneficiaries under the last will and testament of Iva Nora Arthur without benefit to herself, individually. The Court finds the value of the property of the estate as shown in Annex J to Exhibit "A" to the Verified Petition and Statement of Facts, from the Tax Assessors valuation of property, is at least TWO HUNDRED SIXTY-ONE THOUSAND THREE HUNDRED TEN (\$261,310.00) DOLLARS and this

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is a reasonable value to place on the property recovered by the various lawsuits instituted against, and in which the Executrix became embroiled, as a result of her duties as the Executrix.

6. It is the further Order of this Court that the clerk of this Court send copies of this Order to Conrad Fowler as the representative of some of the heirs, to Edward R. Jackson as representative of the Estate of Iva Nora Arthur, deceased and Michelle McFadden as Executrix and individually, to Mitchell Spears one of the attorneys for Walter Maddox, Virginia Maddox and Lorene Spence and individually to Walter Maddox, Virginia Maddox and Lorene Spence whose addresses are:

Lorene Spence
Route 1, Box 62
Columbiana, AL 35051

Walter and Virginia Maddox
5823 Lee Street
Birmingham, AL 35246

Mitchell Spears
P.O. Box 91
Montevallo, AL 35115

Conrad Fowler
P.O. Box 587
Columbiana, AL 35051

7. This Order shall become final 45 days from October 18, 1991 unless stayed by Order of this Court upon proper application.

8. This Court reserves the right to, and retain jurisdiction of, this cause to make whatever Orders are necessary in the future to effect the final settlement of this estate.

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Done and Ordered this the 29th day of October, 1991.

J. W. Cowan
JUDGE

MW\ORDER.MCF

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

91 DEC 13 PM 2:22

William H. Jennings, Jr.
JUDGE OF PROBATE

1. Deed Tax	_____
2. Mtg. Tax	_____
3. Recording Fee	<u>10.00</u>
4. Indexing Fee	<u>3.00</u>
5. No Tax Fee	_____
6. Certified Fee	<u>1.00</u>
Total	<u>14.00</u>