

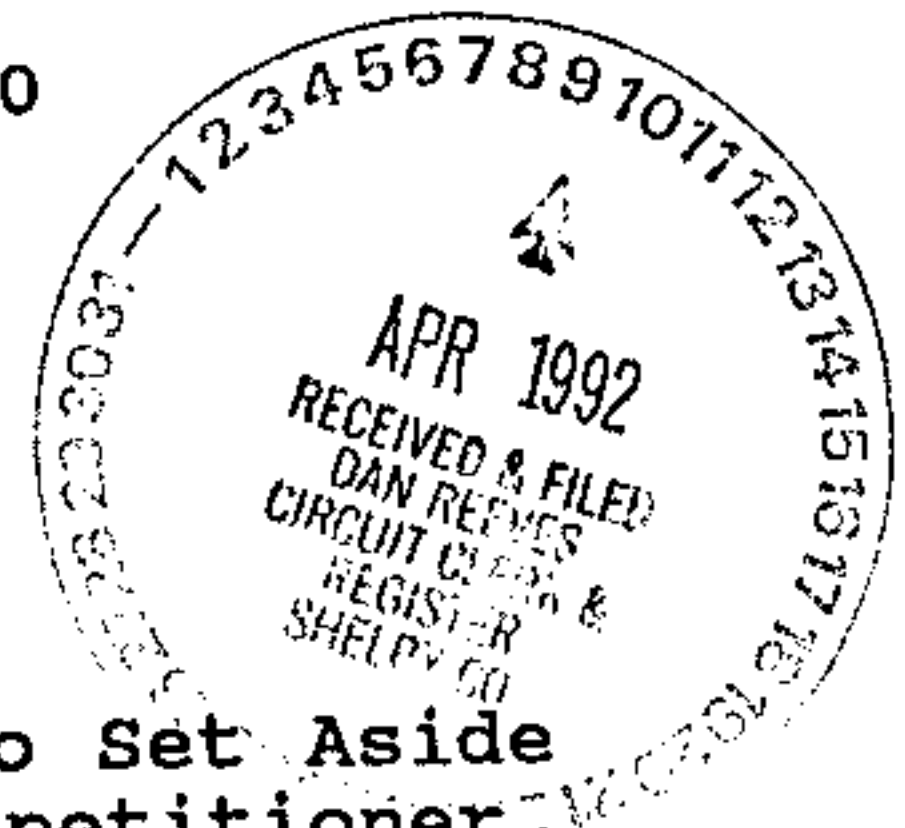
IN RE:

THE ESTATE OF SAM DATCHER,
deceased.

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IN THE CIRCUIT COURT FOR
SHELBY COUNTY, ALABAMA
CV-91-350

JUDGMENT SETTING ASIDE DEED



This case came before the Court on the Motion To Set Aside Deed Of Conveyance which was heretofore filed by the petitioner, Elgin Datcher, as Executor of the Estate of Sam Datcher, deceased, and upon the Response To Petition To Set Aside Deed Of Conveyance which was filed by Honorable Roy M. Johnson, III, who was heretofore appointed by the Court as guardian ad litem in this cause for Elston Datcher, a person of unsound mind, and Annie Bell Datcher, a person of unsound mind, and upon testimony heard ore tenus by the Court and upon documents introduced and received into evidence by the Court, present in Court being said Elgin Datcher with his attorney, Honorable W. Wheeler Smith, and said guardian ad litem, Honorable Roy M. Johnson, III; said Anthony Dale Datcher, designated as grantee in the deed which the petitioner seeks to have aside, being called, came not, and was not present in Court.

Upon consideration of the evidence presented, the Court **FINDS** that the quit claim deed heretofore executed by Sam Datcher, who is now deceased, as grantor, to Anthony Dale Datcher, as grantee, dated July 16, 1981, and recorded in Book 086 at Page 648, Office of Judge of Probate of Shelby County, Alabama, was not intended to permanently transfer title to the said land, as therein described, and was not intended by the grantor, Sam Datcher, to have been recorded, and further, that said deed was executed for the purpose of providing said Anthony Dale Datcher a place to temporarily locate his mobile home.

The Court further **FINDS** that said Anthony Dale Datcher never intended to take more than his rightful share of the property of said Sam Datcher, deceased, through inheritance, and that said deed was not recorded in the Probate Office of Shelby County, Alabama, until August 19, 1986, which was after the death of said Sam Datcher, and that said deed should now be set aside by this Court.

It is therefore **CONSIDERED, ORDERED, ADJUDGED** and **DECREED** by the Court that said quit claim deed from Sam Datcher, as grantor, purporting to convey the following described real estate situated in Shelby County, Alabama, viz.:

Begin at the residence of Sam Datcher, and go 80' W to the point of beginning; thence North, 105', thence West, 210'; thence South, 210', thence East, 210', thence North, 105' to the point of beginning containing one

SHELBY COUNTY JUDGE IN PROBATE
002 NCD 9.00

Smith, Blakes & Smith
3500 Independence Drive
Birmingham 35209

acre, more or less. The foregoing is located in the NW
1/4 of the NE 1/4 of Section 36, Township 19 South, Range
2 East, Shelby County, Alabama,

to Anthony Dale Datcher, as grantee, dated July 16, 1981, and
recorded on August 19, 1986, in Book 086 Page 648, Office of Judge
of Probate of Shelby County, Alabama, be, and the same is hereby,
set aside and held for naught.

Costs of Court in this proceeding are taxed against the
petitioner.

DONE and ORDERED this 7th day of April, 1992.



Oliver P. Head
Circuit Judge

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SHELBY COUNTY JUDGE OF PROBATE
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