

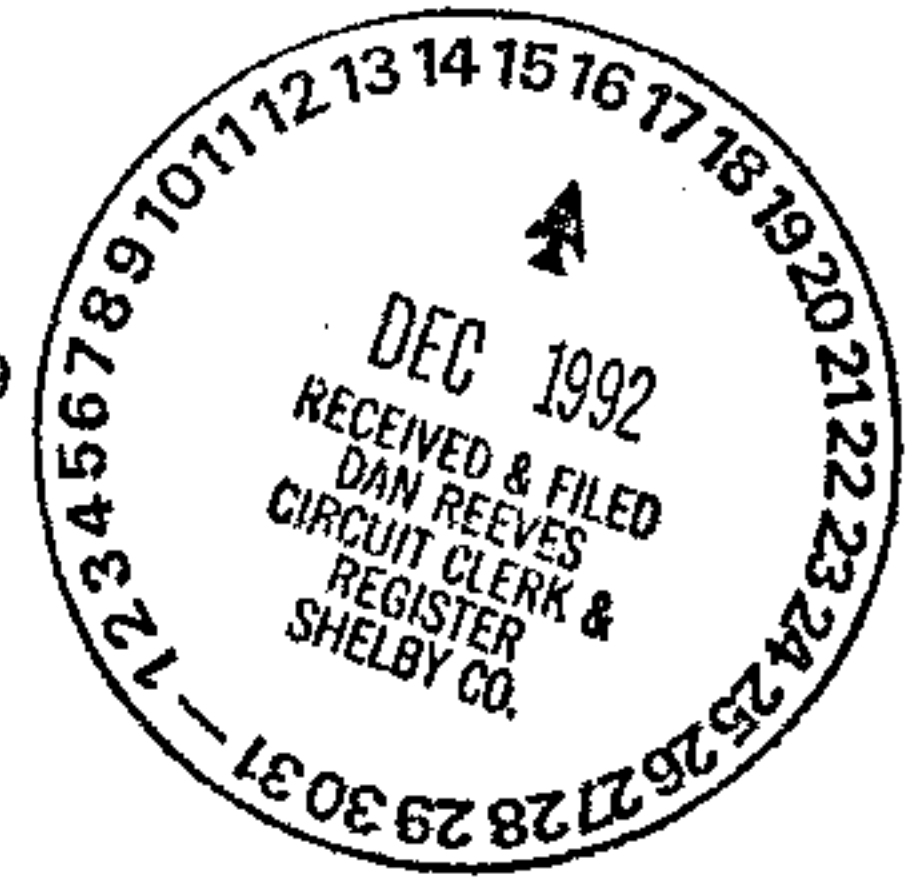
IN THE CIRCUIT COURT OF SHELBY COUNT, ALABAMA

EDNA E. BLACK,
Plaintiff,

vs.

CASE NO. CV-91-769

THOMAS M. BLACK, JR., et al,
Defendant.



FINAL JUDGMENT AND ORDER

This case came on for trial on December 16, 1992, and the Plaintiff and the following parties appeared, in person or as noted below or they appeared by their court appointed Guardian Ad Litem, William Powers, Attorney at Law:

Thomas M. Black, Jr.	did not attend	not represented
Debbie Black	did not attend	not represented
Mack A. Castleberry	did not attend	not represented
Mack M. Castleberry	did not attend	not represented
Edna Castleberry	did attend	not represented
Paul Castleberry (a.k.a. Paul M. Black)	did not attend	represented by William Powers
Derek M. Castleberry	did not attend	represented by William Powers

This court finds that the following parties are in default, having been served and not having appeared in Court nor entering any appearance in this case:

Thomas M. Black, Jr.

Debbie Black

Mack A. Castleberry

Mack M. Castleberry

Inst. # 1993-00956

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SHELBY COUNTY JUDGE OF PROBATE
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Conwill, Justice

The Court having heard the testimony offered and having considered the evidence and the pleadings, the court, upon consideration thereof, FINDS, ADJUDGES, and ORDERS, as follows:

That, on October 10, 1988, Thomas M. Black, Sr., was married to the Plaintiff, Edna E. Black.

That, at said time, Thomas M. Black Sr., owned the real estate described in the deed attached to the Plaintiff's Complaint.

That, said Mr. Black held title to said real estate by virtue of a warranty deed to him from Hilliard Blankenship and wife Johnnie S. Blankenship, which deed is recorded in Shelby County Probate Court at Deed Book 356 page 838.

That, on October 10, 1988, while said Mr. Black was married to the Plaintiff, Mr. Black purportedly executed a deed to various persons as reflected on the copy of said deed attached to Plaintiff's Complaint and the Plaintiff did not join Mr. Black in the execution of said deed.

That, at the time of execution of said deed, the Plaintiff ^{OMH and Thomas M. Black, Sr.} was ^{etc} in actual possession of the real estate described on the deed attached to Plaintiff's Complaint as Plaintiff's place of residence ^{OMH} and homestead.

That, the services of Honorable William Powers, Attorney at Law, as Guardian Ad Litem for the minor parties to this suit, were valuable and said attorney is entitled to a reasonable attorney's fee of \$ 500⁰⁰, to be assessed as costs of this cause.

That, said Mr. Black died on the 31st day of August, 1991, and his Last Will and Testament was filed for Probate in Shelby County, Alabama being case number 30-286, and said Estate was

transferred to Circuit Court of Shelby County Alabama, being case number CV--93-26, and said estate was ordered consolidated with this case for trial.

That, the deed, a copy of which is attached to the Plaintiff's Complaint, which is the subject of this suit, and which is filed in Shelby County Probate Court at deed book 209 page 60 filed October 13, 1988, is null and void due to Article X, Section 205, Alabama Constitution (1901) and Sections 6-10-2 and 6-10-3, Alabama Code, 1975. Spencer Sims v. Gracie Cox, _____ So. 2d _____ (Ala. 1992).

That, the costs of this cause be taxed against the plaintiff against whom let execution issue.

That, forthwith, the Clerk of this Court file a verified copy of this Decree in the Probate Office of Shelby County, Alabama, the county in which the real estate above described lies, and that the Probate Judge index this Judgment under the direct index and the reverse index of deeds in the following names: All of the named plaintiffs herein and all the named defendants herein.

Done and ordered this 16th day of December, 1992.


Circuit Judge

Inst. # 1993-00956

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