

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SHELBY COUNTY, ALABAMA, a
political subdivision of the
State of Alabama,

PLAINTIFF,

vs.

CIVIL ACTION NO. CV-87-065

RICKY WAYNE SEALE and GULF
STATES PAPER CORPORATION,
a corporation,

DEFENDANTS.

ORDER

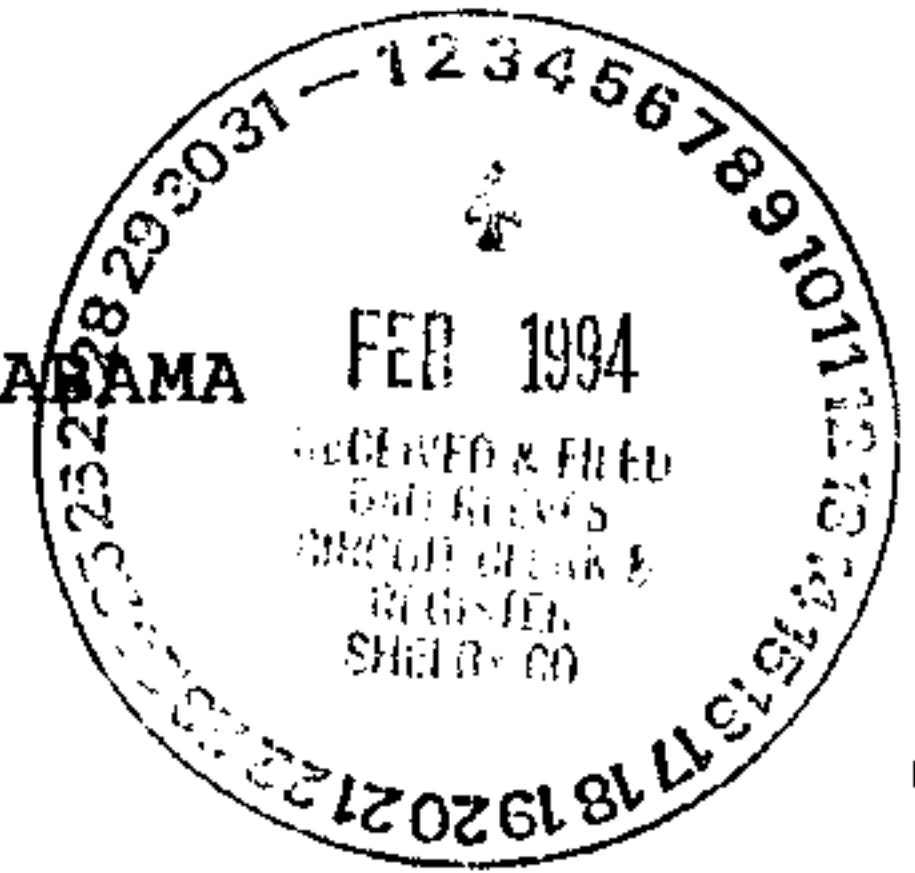
This cause was heard on June 22, 1993, for the purpose of proving damages and other relief against the Defendant, Ricky Wayne Seale. The default of the Defendant, Ricky Wayne Seale, having been entered on January 19, 1993, and this Honorable Court having heard and considered the testimony and evidence presented by the Plaintiff, Shelby County, Alabama, a political subdivision of the State of Alabama on June 22, 1993, and it appearing to the Court that said Plaintiff is entitled to relief, it is therefore Considered, Ordered, Adjudged, and Decreed as follows:

1. The Defendant, Ricky Wayne Seale, is hereby permanently enjoined and restrained from any further conveyance, sale, or otherwise encumbering any portion of the subject property as described in that certain Lis Pendens Notice recorded in Real Book 114, Page 823 in the Office of the Judge of Probate of Shelby County, Alabama, a copy of said notice is attached hereto as Exhibit "A" and incorporated by reference as fully as if set out herein, until such time as ~~the on 11/19/94~~ Ricky Wayne Seale brings

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the roads, roadways, and streets which provide ingress and egress to and from the parcels of real property located in the SE 1/4 of the SE 1/4 of Section 23, the S 1/2 of the SW 1/4 of the SW 1/4, Section 24, and the N 1/2 of the NW 1/4 lying North of Reed Creek in Section 25, all in Township 24 North, Range 15 East, in Shelby County, Alabama, as noted and described in the complaint of the Plaintiff and said Lis Pendens Notice, up to the standards of such roads, roadways, and streets which have been adopted by Shelby County, Alabama and which are provided and required by the applicable subdivision regulations, Shelby County, Alabama, as amended.

2. The Defendant, Ricky Wayne Seale, is hereby ordered to submit a subdivision plan or plans to the Shelby County Planning Commission for the development of the aforesaid lands and parcels, said plans to contain the provisions for roads, streets, drainage, and all other requirements necessary to meet the subdivision regulations of Shelby County, Alabama. The Defendant, Ricky Wayne Seale, is further ordered to effect the completion of said plans. Shelby County, Alabama shall have a lien on said lands of the Defendant, Ricky Wayne Seale, to insure the compliance of Ricky Wayne Seale with the orders and judgments of this Court and with the applicable laws and regulations in this cause.

3. The Defendant, Ricky Wayne Seale, is hereby permanently enjoined and restrained from further violating the provisions of Act. No. 82-693, as amended by Act No. 84-454, Laws of the State

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of Alabama, and the subdivision regulations as adopted and amended by Shelby County, Alabama pursuant thereto.

4. Judgment is entered in favor of Shelby County, Alabama, and against the Defendant, Ricky Wayne Seale, on Plaintiff's claim for damages and this Court assesses the Plaintiff's damages at \$130,000.00.

5. Costs of court accrued herein are taxed against the Defendant, Ricky Wayne Seale.

Done this 3rd day of February, 1994.

D. Al Crowson
D. AL CROWSON
CIRCUIT JUDGE

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EXHIBIT "A"

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SHELBY COUNTY, ALABAMA, a political
subdivision of the State of Alabama

PLAINTIFF

Vs.

CASE NO. CV-87 065

RICKY WAYNE SEALE, GULF STATES
PAPER CORPORATION, a corporation,
STEVE MEYERS, JAMES W. MARTIN, and
JACK I. GILLESPIE, JR.,

DEFENDANTS

LIS PENDENS NOTICE

Notice is hereby given that on the 12th day of February, 1987, suit was begun by Shelby County, Alabama, a political subdivision of the State of Alabama, as plaintiff, in the Circuit Court of Shelby County, Alabama, Civil Action No. CV-87-065, which was filed against Ricky Wayne Seale, Gulf States Paper Corporation, a corporation, Steve Meyers, James W. Martin, and Jack I. Gillespie, Jr., the Complaint in said suit alleging that the hereinafter described lands in Shelby County, Alabama, have been improperly subdivided by the defendants, as owners and developers, in violation of the Subdivision Regulations, Shelby County, Alabama, and in violation of Act No. 82-693, and in violation of Act No. 84-454, and in violation of other applicable laws, said suit praying that said defendants be enjoined from selling, conveying, or otherwise encumbering said hereinafter described property, or any part thereof, in violation of said Subdivision Regulations and other applicable laws; the plaintiff further seeks an order from the Court requiring the defendants to submit a subdivision plan or plans to Shelby County Planning Commission for the development of said lands, to contain the provisions for roads, streets, drainage, and all other requirements which are necessary to meet the minimum standards of the Subdivision Regulations, Shelby County, Alabama, and further seeks an order from the Court requiring said defendants to effect the completion of said plans, and to complete such erection, construction or placement as is reasonably necessary to conform to said Regulations, or in the alternative, that the Court will require the said defendants to pay monetary damages, and further, the plaintiff claims a lien on lands of the defendants to insure the performance by the defendants with the orders and judgments of the Court and with applicable laws and regulations in this cause.

Said lands are more particularly described as follows:

SURFACE RIGHTS ONLY TO:

A part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township 24 North, Range 15 East, in Shelby County, Alabama, said parcel being more particularly described as follows:

Commence at the NW corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and run in a southerly direction and along the West boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ for a distance of 399.41 feet to the Point of Beginning of the property described herein; thence continue in a southerly direction and along the West boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ for a distance of 364.97 feet to a point on Reed Creek; thence with an interior angle of 92°-19' run in a easterly direction and along Reed Creek for a distance of 261.55 feet to a point; thence with an interior angle of 190°-39' continue in an easterly direction and along Reed Creek and the North shore of Lay Lake for a distance of 197.27 feet to a point; thence with an interior angle of 155°-34' continue in an Easterly direction and along the North shore of Lake for a distance of 145.14 feet to a point; thence with an interior angle of 197°-23' continue in an easterly direction and along the North shore of Lay Lake for a distance of 311.68 feet to a point;

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thence with an interior angle of 207°-24' run in a southeasterly direction and along the North shore of Lay Lake for a distance of 81.58 feet to a point; thence with an interior angle of 183°-20' continue in a Southeasterly direction and along the North shore of Lay Lake for a distance of 228.92 feet to a point; thence with an interior angle of 149°-53' run in an easterly direction and along the North shore of Lay Lake for a distance of 160.78 feet to a point on the East boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence with an interior angle of 82°-44' run in a northerly direction and along the East boundary of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ for a distance of 328.95 feet to the Southeast corner of the N $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence with an interior angle of 180°-11' continue in a northerly direction and along the East boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ for a distance of 258.85 feet to a point; thence with an interior angle of 92°-05' run in a westerly direction and parallel to the North boundary of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ for a distance of 1,311.15 feet to the Point of Beginning; said parcel containing 12.8 acres, more or less. TOGETHER WITH a non-exclusive road right-of-way, being a maximum of thirty (30) feet in width leading westerly off the primary road in the N 1/2 of SW 1/4 of SW 1/4, Section 24, Township 24 North, Range 15 East, into the East line of the herein conveyed property.

Also, the S 1/2 of SW 1/4 of SW 1/4, Section 24, Township 24 North, Range 15 East.

Also, that portion of the N 1/2 of the NW 1/4 lying North of Reed Creek in Section 25, Township 24 North, Range 15 East.

Notice is further given that said suit is pending in said court.

Witness my hand this 13th day of February, 1987.

WALLACE, ELLIS, HEAD & FOWLER

By

Oliver P. Head

Attorneys for the Plaintiff

WALLACE, ELLIS, HEAD & FOWLER
P.O. Box 587
Columbiana, ALabama 35051

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

1987 FEB 13 AM 8:21

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JUDGE OF PROBATE

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Dan R. Lewis 2-7-94
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