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State of Alabama
Unified Judicial System
Form C-18 Rev. 10/86

JUDGMENT/ORDER

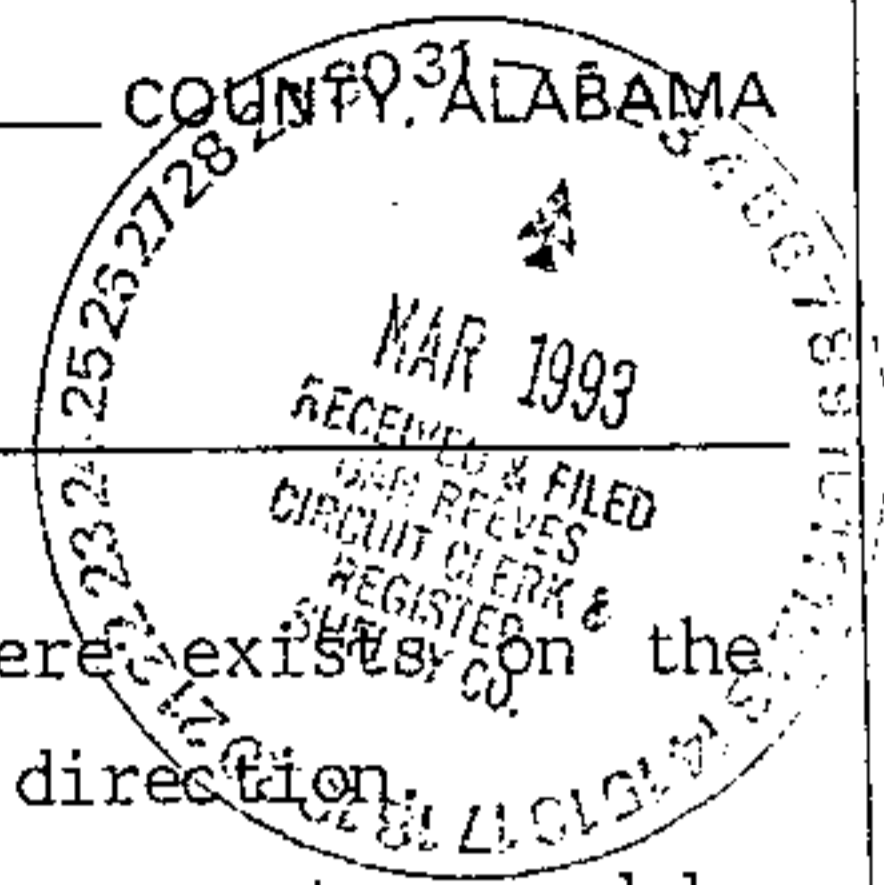
CASE NUMBER
CV-89-584

IN THE _____ CIRCUIT COURT OF _____ SHELBY COUNTY, ALABAMA

Plaintiff: ALBERT F. THOMASSON

v. Defendant: VIRGINIA MADDOX

In The Matter Of: _____



This is a boundary dispute between coterminous landowners. There exists on the property in question an old barbed wire fence which runs in an east-west direction.

Plaintiff contends said barbed wire fence existed when all of this property owned by both plaintiff and defendant constituted part of a larger tract of land. Subdivision of this larger tract resulted in the above said barbed wire fence lying entirely within the boundary of property purchased by the plaintiff, Albert F. Thomasson. Plaintiff brings an action for trespass. Requests removal of the encroaching barbed wire fence and seeks to recover damages for trespass.

Defendant, Virginia Maddox, claims said barbed wire fence has been in place for more than 20 years, all adjoining property south of said fence being in her possession or her predecessors in title and under claim of ownership for more than the last 20 years. Defendant requests that the old barbed wire fence line be fixed as the true and correct boundary line between the real property of the plaintiff, Albert F. Thomasson, and that of the defendant, Virginia Maddox.

It is the finding of this Court that the barbed wire fence that is the subject of this controversy was in place prior to November 18, 1958. That Walter Maddox on the 18th day of November, 1958 bought a tract of land and on January 2, 1975 conveyed this property to the defendant, Virginia Maddox. That at all times since November 18, 1958, Walter Maddox and then Virginia Maddox have been in actual possession of all the disputed property located south of the above said barbed wire fence. They have exercised exclusive possession of this property. Using it for the purposes of raising cattle, riding horses, hunting and cutting wood. Defendant, Virginia Maddox and her predecessor in title, Walter Maddox, have maintained open and notorious possession of this property and produced nearby landowners as witnesses to the existence of the barbed wire fence and to the use of the disputed real estate by the Maddox family. Evidence showed that the Maddoxes exercised hostile possession and claim of right over this property. When the barbed wire fence was cut in

1994-19042

Judge

Certified As A True Copy

June 14, 1994

Date

Dan Reeves

Clerk/Registrar

By: LL

06/15/1994-19042
08:01 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCD 11.00

Trish Galloway
Bradley, Asst

State of Alabama
Unified Judicial System

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1980 by adjacent landowners attempting to build a road through the disputed property, Mr. Maddox forceably stopped the road construction and with reasonable promptness, re-erected the fence. The Maddoxes possession of this property has been continuous and uninterrupted since 1958.

In addition to the above finding the Circuit Court of Shelby County in case no. CV-82-100(E) on November 29, 1983 previously ruled that Virginia Maddox owned by adverse possession a point of property on the Northeast property line that is the current subject of this dispute.

Wherefore, it is hereby ORDERED, ADJUDGED AND DECREED that the true boundary line between the plaintiff, Albert Thomasson and the defendant, Virginia Maddox shall be established as follows:

Commence at the Southeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 19, Range 2 West; thence run North along the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section a distance of 947 feet, more or less to the intersection of an established fence line, said point being the point of beginning of the boundary line herein described; thence run in a Southwesterly direction along the meanderings of said establish fence line a distance of 1340 feet, more or less, to the point of intersection with the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; said point being the point of ending of the boundary line herein described.

Plaintiff's request for the removal of the barbed wire fence and his petition for award of monetary damages are hereby denied.

Court costs are taxed $\frac{1}{2}$ to the plaintiff and $\frac{1}{2}$ to the defendant.

DONE this the 24th day of February, 1993.

Judge

Inst # 1994-19042

Certified As A True Copy

June 14, 1994

Date

Dan Reems

Clerk/Register

By: HL

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