

VIRGIL C. LUGAR, ET AL.
PLAINTIFF(S)

VS

JAMES ROBERT BURNETT, ET AL.
DEFENDANT(S)



IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CIVIL ACTION NUMBER

CV-93-160

FINAL JUDGMENT

THIS CAUSE coming on to be heard on the 8th day of September, 1994, was submitted on Plaintiffs' Complaint with amendment, Defendants' answer and Defendants' answer to amended complaint. Upon consideration thereof, together with ore tenus testimony and exhibits admitted into evidence, the Court finds, inter alia:

A. That the Plaintiffs and Defendants own adjoining real property both north and south of Shelby County Highway 32.

B. That there exists a dispute as to the boundary lines separating the properties of Plaintiffs and Defendants.

C. That Plaintiffs claim the boundary line south of the said highway was agreed on between the parties in the presence of one Gary Ray in 1982, which was represented by an unpaved road.

D. That Defendant testified the boundary line of the parties south of said highway was the eastern side of the said unpaved road in which Plaintiff makes no claim west thereof.

E. Defendants, as grantees, received a deed dated July 14, 1969 describing the conveyance of their property north of said highway which description stated the property contained "... 3/4 acres more or less."

F. That in using the survey which Defendants rely on of one Thomas E. Simmons, the Defendants would have property north of the said highway in excess of 3/4 acres (over one acre to be exact).

Inst # 1995-02122

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SHELBY COUNTY JUDGE OF PROBATE
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W. E. H. F.

G. The Court is of the opinion the boundary line as established by Plaintiffs' surveyor, Joseph E. Conn, Jr., in 1987 is the correct boundary line between the parties' properties.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the West line of the Plaintiffs and the East line of the Defendants properties, North of Shelby County Highway No. 32, be and is hereby established in accordance with the West line of Tract 2 of the survey of Joseph E. Conn, Jr., Alabama Registration No. 9049, dated April 3, 1987, as shown on the attached Exhibit I, attached hereto and made a part hereof by reference.

2. That the West line of the Plaintiffs, and the East line of the Defendants, South of Shelby County Highway No. 32, and West of Shelby County Highway No. 341, be and is hereby established as being that line shown as Plaintiffs' property line on Tract 1 of the survey of Joseph E. Conn, Jr., Alabama Registration No. 9049, dated April 3, 1987, as shown on the attached Exhibit II, attached hereto and made a part hereof be reference.

3. That the Defendants are hereby permanently enjoined from interfering with Plaintiffs' use of their property.

4. That the costs of Court are hereby taxed against the party who incurred same.

DONE and ORDERED this 27th day of September, 19 94.

D. Al Crowson

D. Al Crowson
Circuit Judge

Certified a true and complete copy

Dan Reems

Register of Circuit Court

1-24-95

W.D.W.



I, Joseph E. Conn, Jr., a registered surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon, the correct legal description being as follows:

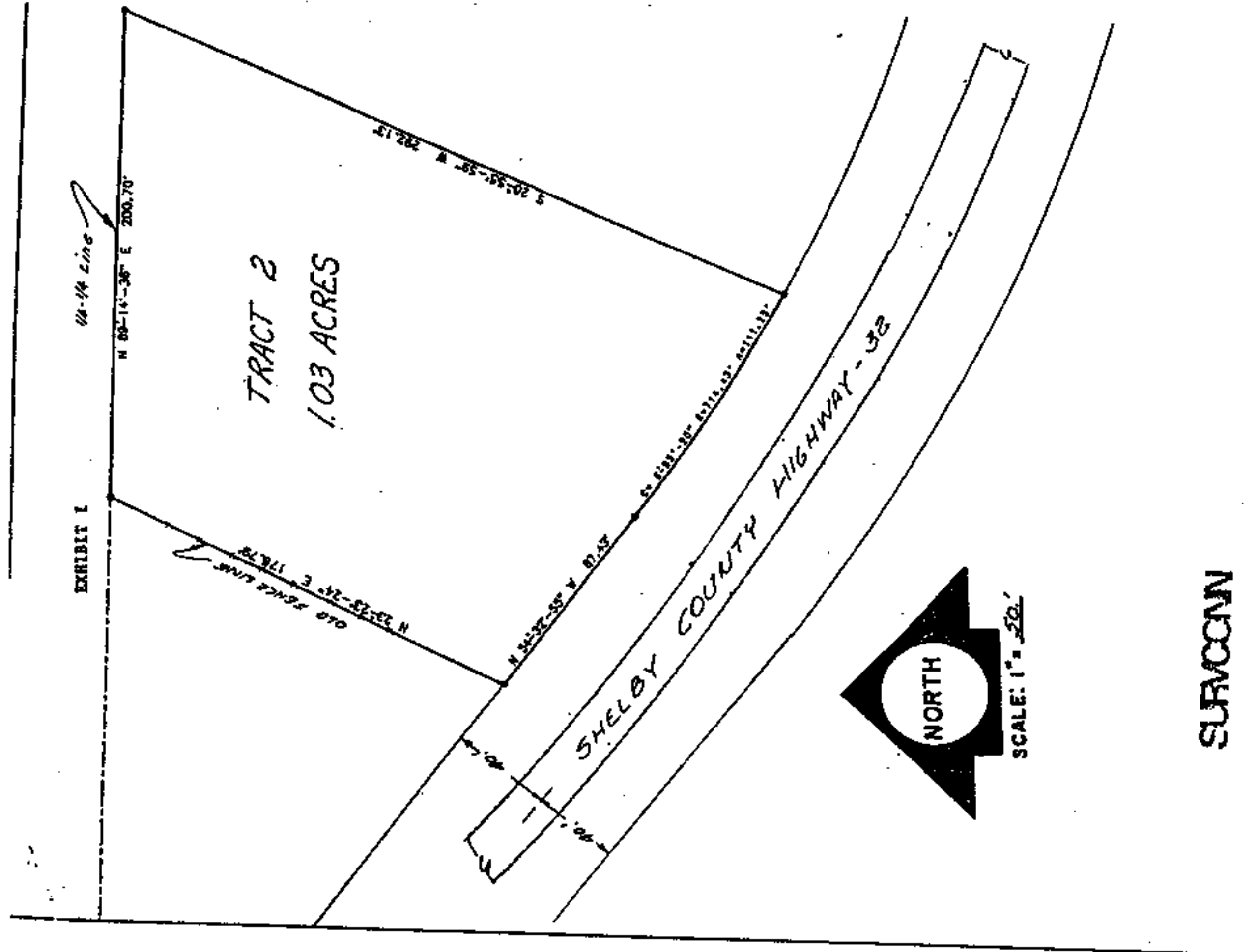
Commence at the Northwest corner of the Southeast quarter of Section 12, Township 20 South, Range 1 West, Shelby County, Alabama and run thence on a bearing of $50^{\circ}36'-50''$ W along the West line of said quarter-quarter a distance of $444.92'$ to a point, Thence run $S 89^{\circ}23'-10''$ E a distance of $461.36'$ to a point on the East margin of an existing dirt public road and the point of beginning of the tract being described, Thence run $N 5^{\circ}-02'25''$ E along the said Easterly margin of said road a distance of $118.81'$ to a point on the Southerly margin of Shelby County Highway 32 in a curve to the left leaving a central angle of $10^{\circ}-13'-03''$ and a radius of $794.43'$, Thence run along the arc of said Highway curve along the Southerly margin of same an arc distance of $141.63'$ to a point on the Westerly margin of a dirt public road, Thence run $S 30^{\circ}-43'-52''$ W along the said Westerly margin of said dirt road a distance of $84.35'$ to a point, Thence run $S 61^{\circ}-34'-55''$ W along the margin of same said dirt road a distance of $65.25'$ to a point, Thence run $N 45^{\circ}-27'-60''$ W along the Southerly margin of same said dirt road a distance of $42.82'$ to the point of beginning, containing 0.27 of an acre and subject to all agreements and easements of probated record or limitations and restrictions of applicable law.

According to my survey this 3rd day of April 1987

Joseph E. Conn, Jr.
Alabama Registered Number 9099



File No. 3117
V. Luger
Chelsea, At.
12-20-1W
April, 1987



STATE OF ALABAMA
COUNTY OF SHELBY

I, Joseph E. Conn, Jr., a registered surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon, the correct legal description being as follows:

Tract 2:

Commence at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 12, Township 20 South, Range 1 West, Shelby County, Alabama and run thence on a bearing of S 89°-14'-36" W along the North line of said quarter-quarter a distance of 712.84' to the point of beginning of the Tract being described. Thence run S 20°-55'-59" W a distance of 292.13' to a point on the Northerly margin of Shelby County Highway No. 32 in a curve to the right having a central angle of 8°-55'-20" and a radius of 714.43'. Thence run Northwesterly along the arc of said Highway right of way curve an arc distance of 111.25' to the P.T. (Point of Tangency) Thence run N 54°-32'-55" W along the same said margin of said Highway a distance of 87.43' to a point, Thence run N 23°-23'-24" E a distance of 176.79' to a point on the same said Northerly line of same said quarter-quarter. Thence run N 89°-14'-36" E along the same said quarter-quarter line a distance of 200.70' to the point of beginning, containing 1.03 acres and subject to all agreements and easements of probated record or restrictions and limitations of applicable law.

According to my survey this April 3rd, 1987

Joseph E. Conn, Jr.
Alabama Registered Number 9049
SURVCON

File No. 3117
Luger
Helsea, Al.
2-20-1W
April, 1987

ALC Corner
S.E. 1/4 - 1/4 N. 16
Sec. 12 T. 20 S. R. 1 W.

Inst # 1995-02122

01/26/1995-02122
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SHELBY COUNTY JUDGE OF PROBATE
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