

SYLVESTER KIDD, et al.,  
PLAINTIFFS

VS

DESCRIBED LAND,  
DEFENDANT

) IN THE CIRCUIT COURT OF  
)  
) SHELBY COUNTY, ALABAMA  
)  
) CIVIL ACTION NUMBER  
)  
) CV-93-527  
)

ORDER

THIS CAUSE coming on to be heard on the 15th day of September, 1995, was submitted for a final judgment upon the pleadings filed in this cause. Appearing at said hearing were the Plaintiff, Sylvester Kidd, Jr., counsel for Plaintiff, Daisy M. Holder, and the Guardian ad Litem appointed by the Court. Upon consideration of said pleadings, together with ore tenus testimony and exhibits admitted into evidence, the Court enters the following findings of fact:

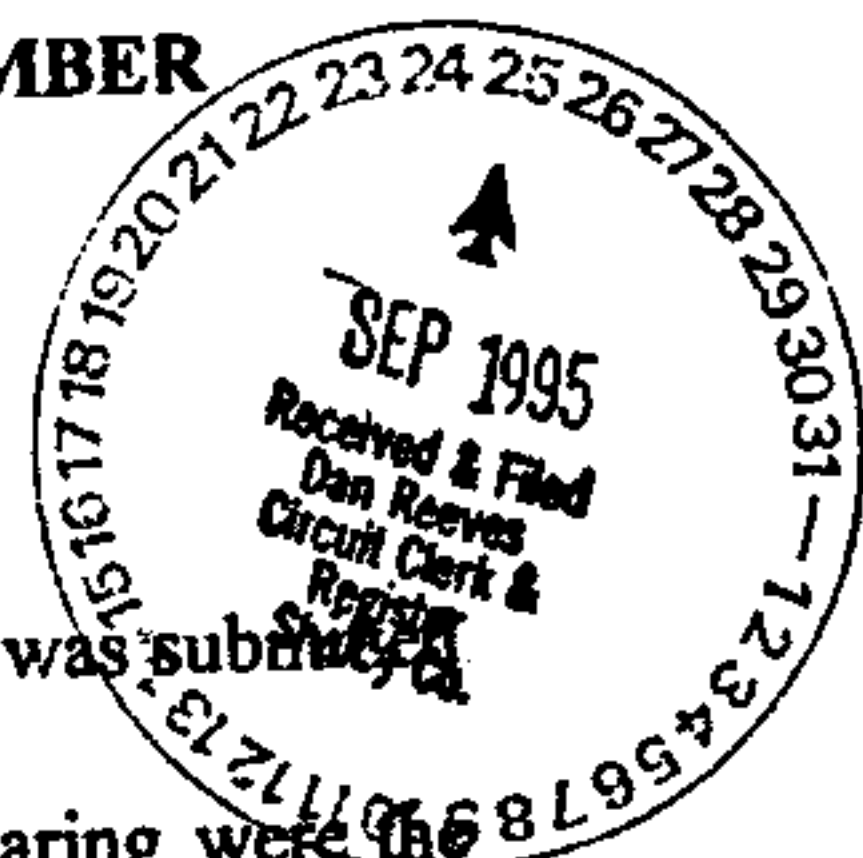
1. That the parcels of real estate involved in this cause are located in two different areas of Shelby County, Alabama, one being located at or around Wilsonville, Alabama and the other located at or near Lay Lake.

2. That the property located at or near Lay Lake was formerly owned by one Metter Shepard, who acquired said property on December 23, 1975.

3. That the other property described in Paragraph One is located at or near Wilsonville and was acquired by one Earnest Shepard on November 19, 1948, which acquisition also encompassed some additional property, the total of the property so acquired being:

The east half of the NW1/4 of NW1/4, Section 1, Township 21 South, Range 1 East.

4. That at the time of the acquisition of the property described in Paragraph Two, the said Metter Shepard was an unmarried woman, having been previously married to one Sylvester Kidd, who departed this life on or about May 5, 1939, and thereafter having been married to the



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said Earnest Shepard, who died in 1963.

5. That the said Metter Shepard and the said Sylvester Kidd had the following children: Lottie M Kidd Davis, Eloise Kidd, Jimmy Kidd a/k/a James Kidd, Bobby Kidd, Betty Kidd Huguley, Watson W. Kidd, Daniel L. Kidd, John H. Kidd, Sylvester Kidd, Jr., and Jewel Kidd Crutchfield.

6. That all of the children born of the said Metter Shepard and Sylvester Kidd are living, with the exception of Bobby Kidd and Jewel Kidd Crutchfield.

7. That the said Bobby Kidd left surviving him a wife, Dorothy R. Kidd, and a child, Timothy Kidd.

8. That the said Jewel Kidd Crutchfield's only surviving descendants are three (3) grandchildren: Charles Crutchfield, Carol Dobie and Cynthia Pelzer.

9. That portions of the said Wilsonville property were sold off and at the time of the death of the said Earnest Shepard, only two (2) parcels remained, neither parcel being occupied by the said Earnest Shepard as his homestead.

10. That the union of the said Metter Shepard and the said Earnest Shepard produced no children.

11. That at his death, the said Earnest Shepard had left surviving him his wife, Metter Shepard, a son, Charles Shepard, Sr., and one daughter, Annie Ruth Shepard.

12. That the said Annie Ruth Shepard died shortly after Earnest's death and had no surviving spouse or children.

13. That the said Charles Shepard, Sr. died in either 1979 or 1980 and left surviving him no spouse, but one son, Charles Shepard, Jr.

14. That the said Metter Shepard died on or about October 7, 1980.
15. That all the persons described above who have died left no will.
16. That according to the Code of Alabama 1958, Title 16, Section 1, which was in effect at the time of Earnest Shepard's death, "The real estate of persons dying intestate, as to such estate descends, subject to the payment of debts, charges against the estate, and the widow's dower, as follows: (1) to the children of the intestate, or their descendants in equal parts."

Also according to the law that existed at the time of the said Earnest Shepard's death, dower was " ... an estate for the life of the widow in ..." in a certain portion of certain real estate left by the husband, i.e., Earnest Shepard.

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

A. That Lottie M. Kidd Davis, Eloise Kidd, Jimmy Kidd a/k/a James Kidd, Betty Kidd Huguley, Watson W. Kidd, Daniel C. Kidd, John H. Kidd, Sylvester Kidd, Charles Crutchfield, Carol Dobie, Cynthia Pelzer, Dorothy R. Kidd and Timothy Kidd are the owners of the following described real estate located in Shelby County, Alabama:

Parcel No. 3: Commence at the SW corder of Sec. 14, T-21-S, R-1-E; thence run East along the South line of said Section 14 a distance of 1725.03 feet to the East R/W line of Ala. State Hwy. #145; thence turn an angle of 75 deg. 59 min. to the left and run along said R/W line a distance of 1235.28 ft. to the point of beginning; thence continue in the same direction along said R/W line a distance of 90.00 ft. to the P.C. of a R/W curve; thence continue along said R/W curve (whose Delta angle is 23 deg. 04 min. 46 sec. to the right, radius is 3719.72 feet; Tangent Distance is 759.47 ft.; length of arc is 1498.34 ft.); thence turn an angle of 142 deg. 55 min. 14 sec. to the right from a tangent line of said R/W curve and run South a distance of 1595.79 feet; thence turn an angle of 104 deg. 00 min. to the right and run a distance of 684.73 ft. to the point of beginning. Situated in the NE1/4 of the SW1/4 and the SE1/4 of the SW1/4 of Sec. 14, T-21-S, R-1-E, Shelby County, Alabama.



Parcel No. 3-A: Commence at the SW corner of Sec. 14, T-21-S, R-1-E, thence run E along the S line of said Sec. 14 a distance of 1725.03 feet to the E R/W line of Ala. State Hwy. No. 145; thence turn an angle of 75 deg. 59 min. to the left and run N along the E R/W line of said Hwy. a distance of 1235.28 ft.; thence turn an angle of 90 deg. to the right and run a distance of 284.73 ft. to the point of beginning; thence continue in the same direction a distance of 400.00 ft.; thence turn an angle of 76 deg. 00 min. to the right and run S a distance of 584.36 ft. to the pool line of Law Reservoir contour line elevation 397.00; thence turn an angle of 103 deg. 45 min. to the right and run along said contour line a distance of 85.12 ft.; thence turn an angle of 23 deg. 08 min. to the right and run along said contour line a distance of 85.73 ft.; thence turn an angle of 15 deg. 30 min. to the left and run along said contour line a distance of 100.00 ft.; thence turn an angle of 54 deg. 35 min. 49 sec. to the right and run a distance of 590.73 ft. to the point of beginning. Situated in the SE1/4 of the SW1/4 of Sec. 14, T-21-S, R-1-E, Shelby County, Alabama.

B. That Charles Shepard, Jr. is the owner of the real estate described in the Shelby County, Alabama Tax Assessor's Office known as:

SEC1 T21S R1E SD 342X628.9IRR DB 132 P 586 11/19/1948  
BEAT 9

AND

N160' OF E 1/2 OF NW1/4 OF NW1/4 SW OF CO RD 48 SEC1  
T21S R1E SCAL DIM 261X240X103IRR DB 132 P 586  
11/19/1948 BEAT 9

which contains all the property not previously conveyed by Earnest Shepard from the East half of the northwest quarter of the northwest quarter of Section 1, Township 21 South, Range 1 East, all being located in Shelby County, Alabama.

C. That the Guardian ad Litem Julia Kimbrough, is awarded a fee of \$1,000.00 for her services in this cause for which the Plaintiffs shall pay and for which there shall be a lien imposed on the property described in this order.

D. That costs of Court are taxed as paid.

DONE and ORDERED this 25<sup>th</sup> day of September, 19 95.

D. Al Crowson  
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Circuit Judge

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