

IN THE CIRCUIT COURT OF SHELBY COUNTY

THOMAS L. BROWN and
EMILY C. BROWN,
PLAINTIFFS

VS.

CIVIL ACTION NO. CV-95-830

NEW LIFE ASSEMBLY OF GOD CHURCH,
and X, Y, & Z, being unknown trustees of
the NEW LIFE ASSEMBLY OF GOD CHURCH, if
said church is so structured and X, Y, & Z,
being unknown officers or directors of the
NEW LIFE ASSEMBLY OF GOD CHURCH, if said
church is so structured,
DEPENDANTS

CONSENT ORDER

Whereas, Plaintiffs filed complaint against Defendants for resolution of
boundary line dispute between Plaintiffs and Defendants;

Whereas, Plaintiffs relied upon survey of Frank W. Wheeler, RLS #3385,
dated November 4, 1985, which described the property of the Plaintiffs as
follows:

Begin at the Northwest corner of the SW 1/4 of the NE 1/4 of Section 28,
Township 19 South, Range 1 East; thence run East along the North line of
said 1/4-1/4- Section a distance of 340.00 feet; thence turn an angle of
47 degrees 84 minutes 46 seconds to the right and run a distance of 264.97
feet to the centerline of a branch; thence turn an angle of 17 degrees 54
minutes 24 seconds to the right and run a distance of 293.04 feet; thence
turn an angle of 103 degrees 27 minutes 35 seconds to the right and run a
distance of 327.78 feet; thence turn an angle of 73 degrees 52 minutes 27
seconds to the right and run a distance of 203.17 feet; thence turn an
angle of 75 degrees 48 minutes 09 seconds to the left and run a distance
of 228.76 feet; thence turn an angle of 102 degrees 33 minutes 36 seconds
to the right and run a distance of 393.77 feet, to the point of beginning.
Situated in the SW 1/4 of the NE 1/4, Section 28, Township 19 South, Range
1 East, Shelby County, Alabama.

ALSO, Commence at the Northwest corner of the SW 1/4 of the NE 1/4,
Section 28, Township 19 South, Range 1 East; thence run South along the
West line of said 1/4-1/4 Section a distance of 393.77 feet to the point
of beginning; thence continue in the same direction a distance of 423.29
feet; thence turn an angle of 48 degrees 53 minutes 21 seconds to the left
and run a distance of 340.94 feet, to a point on the North right of way of
Highway No. 280; thence turn an angle of 47 degrees 11 minutes 32 seconds
to the left and run along said Highway right of way a distance of 40.90



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feet; thence turn an angle of 132 degrees 48 minutes 28 seconds to the left and run a distance of 355.09 feet; thence turn an angle of 48 degrees 53 minutes 21 seconds to the right and run a distance of 416.33 feet, to the South line of above described tract; thence turn an angle of 102 degrees 33 minutes 36 minutes to the left and run a distance of 30.74 feet, to the point of beginning. Situated in the SW 1/4 of the NE 1/4, Section 28, Township 19 South, Range 1 East, Shelby County, Alabama.

Whereas, Defendants relied upon survey of John S. Parks, RLS #12579, dated November 30, 1994, which described the property of Defendants as follows:

Commence at the Northwest corner of the SW 1/4 of the NE 1/4, Section 28, Township 19 South, Range 1 East, Shelby County, Alabama; thence run South along the West line of said Quarter-Quarter Section, a distance of 393.77 feet to the point of beginning; thence turn an angle of 102 degrees 33 minutes 36 seconds to the left and run a distance of 228.76 feet; thence turn angle of 75 degrees 48 minutes 09 seconds to the right and run a distance of 203.17 feet; thence turn an angle of 73 degrees 52 minutes 27 seconds to the left and run a distance of 327.78 feet to the center line of a branch; thence turn an angle of 27 degrees 04 minutes 02 seconds to the right and run a distance of 267.07 feet; thence turn an angle of 90 degrees 18 minutes 25 seconds to the right and run a distance of 144.17 feet; thence turn an angle of 73 degrees 51 minutes 28 seconds to the left and run a distance of 83.67 feet; thence turn an angle of 78 degrees 34 minutes 46 seconds to the right and run a distance of 113.73 feet; thence turn an angle of 21 degrees 16 minutes 00 seconds to the right and run a distance of 218.89 feet to a point on the North right of way of U.S. Hwy. No. 280; thence turn an angle of 41 degrees 11 minutes 16 seconds to the right and run along said Hwy. right of way a distance of 25.00 feet; thence turn an angle of 90 degrees 00 minutes to the right and run a distance of 150.00 feet; thence turn an angle of 90 degrees 00 minutes to the left and run a distance of 221.00 feet; thence turn an angle of 90 degrees 00 minutes to the left and run a distance of 150.00 feet, to the North right of way of U.S. Hwy. 280; thence turn an angle of 90 degrees 00 minutes to the right and run a distance of 489.81 feet to the West line of said Quarter-Quarter Section; thence turn an angle of 96 degrees 04 minutes 53 seconds to the right and run along said West line a distance of 674.63 feet to the point of beginning. Situated in the SW 1/4 of the NE 1/4, Section 28, Township 19 South, Range 1 East, Shelby County, Alabama.

LESS AND EXCEPT A 30-FOOT STRIP OF PROPERTY DESCRIBED AS FOLLOWS:

Commence at the Northwest corner of the SW 1/4 of the NE 1/4, Section 28, Township 19 South, Range 1 East; thence run South along the West line of said 1/4-1/4 Section a distance of 393.77 feet to the point of beginning; thence continue in the same direction a distance of 423.29 feet; thence turn an angle of 48 degrees 53 minutes 21 seconds to the left and run a distance of 340.94 feet, to a point on the North right of way of Highway No. 280; thence turn an angle of 47 degrees 11 minutes 32 seconds to the left and run along said Highway right of way a distance of 40.90 feet; thence turn an angle of 132 degrees 48 minutes 28 seconds to the left and run a distance of 355.09 feet; thence turn an angle of 48 degrees 53 minutes 21 seconds to the right and run a distance of 416.33 feet, to the

North line of above described tract; thence turn an angle of 77 degrees 26 minutes 24 minutes to the left and run a distance of 30.74 feet, to the point of beginning. Situated in the SW 1/4 of the NE 1/4, Section 28, Township 19 South, Range 1 East, Shelby County, Alabama.

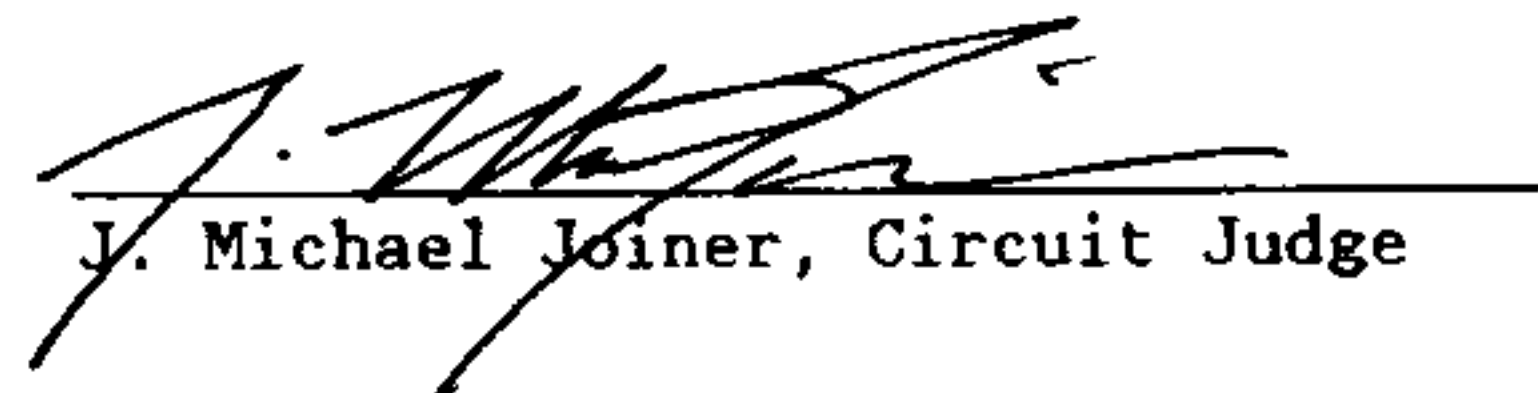
Whereas Parties to the dispute met on the property with both Plaintiffs' and Defendants present, and both Plaintiffs' and Defendants' counsel present and both surveyors present. After discussion, it was agreed and admitted by John S. Parks, that his initial survey was in error, in that he had used an improper starting point. It was also agreed that the survey of Frank W. Wheeler, RLS #3385, dated November 4, 1985 is the true and correct survey.

Whereas, subsequent to the meeting, John S. Parks, at the request of counsel for Defendants corrected his survey to match that of Frank W. Wheeler.

The above considered and by consent agreement between the Parties hereto, it is hereby ordered, adjudged, and decreed that the property described in the survey of Frank Wheeler, dated November 4, 1985 is the correct survey of the Plaintiffs' property and that the Plaintiffs' road located on this property is within the boundaries of this survey.

Plaintiffs herein agree and allow an easement of repair to Defendants for repair and maintenance of water line, which crosses the property of the Plaintiffs described above.

Granted this 8th day of August, 1996.


J. Michael Joiner, Circuit Judge

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