

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

Dorothy Jean Munkus,

PLAINTIFF,

VS.

Jadie Wesley Holsomback,
Jadie Wesley Holsomback, Jr.,
Jadie Michael Holsomback and
Timothy B. Hyde

DEFENDANTS,

CASE NO: 'CV95 793



FINAL ORDER

This case came before this Court on November 15, 1995, and all parties appeared in Court in person or by and through their duly authorized attorney.

The Plaintiff, Dorothy Jean Munkus, filed a Complaint for Sale for Division against the Defendants, Jadie Wesley Holsomback, Jadie Wesley Holsomback, Jr., and Jadie Michael Holsomback. The Plaintiff included a Complaint against the Defendant, Timothy B. Hyde, for acts of alleged waste committed on the property and alleged conversion of the dirt located on the property.

The Defendant, Timothy B. Hyde, waived his demand for a Jury Trial and the evidence presented at trial was uncontroverted that the Defendant, Timothy B. Hyde, did remove dirt from the property in question.

The Court, having heard the testimony regarding the Plaintiff's claims against Timothy B. Hyde, as asserted above; the Court hereby renders Judgment in favor of the Defendant, Timothy B. Hyde, as to all claims.

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As to the remaining parties and issues presented, the Court is informed by said parties and/or their attorneys that a settlement has been reached and the Court heard and confirmed the stated settlement which was recited in Open Court, whereby the parties agreed to a division of the property in question so that the Plaintiff shall receive approximately 7.1 acres of the property in question and the Defendants, Jadie Wesley Holsomback, Jadie Wesley Holsomback, Jr., and Jadie Michael Holsomback, shall receive the remaining property. Said parties agreed to have a mutually agreed upon surveyor complete a survey of the property whereby a legal description will be obtained for purposes of accurately describing the parcels in question or Mr. Joseph Conn or his company shall derive a legal description satisfactory to permit Dan Reeves, Clerk of the Court, to issue deeds to said parties of their respective parcels and the simultaneous date of issuance of said deeds shall constitute the actual Final Order date in this case.

The parties stipulated that before the deeds were signed by Dan Reeves, a title examination would be performed with each party to bear their share of the costs according to their respective percentage of future ownership of their parcel. It was further agreed that should any encumbrance be found on said property, the party responsible for said encumbrance shall bear responsibility for clearing said encumbrance.

The parties have stipulated that there are no remaining or unresolved issues and, if there were other issues raised by the pleadings, the parties stipulated in Open Court that their

agreement on division resolved all legal issues raised in this case, including issues of inheritance from the estate of Dorothy Holsomback, the deceased former wife of the Defendant, Jadie Wesley Holsomback, and including the Defendant's counterclaim.

All stipulations entered into in Open Court are hereby ratified and confirmed as the Order and Judgment of this Court.

The costs of Court are taxed as paid.

Done and ordered this 19th day of December, 1995;



D. Al Crowson, Circuit Court Judge

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