

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

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 BALDWIN COUNTY
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Inst # 1997-31272

DIANE A. IRELAND, in her dual
 capacities as Administrator *Ad Colligendum*
 of the Estate of the Reverend William
 Austin Thompson, deceased, and as
 Guardian/Conservator of William Austin
 Thompson, and GLORIA J. FROST,
 also in her capacity as such
 Guardian/Conservator,

Plaintiffs, —

vs.

CLARENCE CAVIT BUTLER, II,
 and LINDA G. BUTLER,

Defendants.

CASE NO. CV 97-155
 (JURY DEMANDED)

PRELIMINARY INJUNCTION

This matter having been set for hearing on the plaintiffs' request, as set forth in the complaint, for a preliminary injunction restraining the defendants from disposing of certain property during the pendency of this action, and counsel for all parties having advised the court that they have agreed that the following preliminary injunction may issue, it is therefore:

ORDERED, ADJUDGED and DECREED, as follows:

1. The complaint in this case alleges that the defendants obtained money and property from the Reverend William Austin Thompson, now deceased, during the period October 11, 1995, to August 22, 1996, through the wrongful exercise by the defendant Clarence Cavit Butler, II, of the powers granted him by a power of attorney executed by the Reverend Thompson.

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The plaintiffs seek the return of such money and property, and seek to establish an equitable lien upon real estate titled in the names of the defendants which the plaintiffs claim was acquired or improved, in whole or in part, through the use of funds which the plaintiffs contend the defendant Clarence Cavit Butler, II, wrongfully obtained from the Reverend Thompson. The plaintiffs also seek punitive damages. It is the purpose of this preliminary injunction to preserve the *status quo* until such time as the issues raised by the complaint have been resolved by the entry of a final decree in this matter.

2. Pending final judgment herein or further orders of this court, each of the defendants is hereby enjoined and restrained, separately and severally, from disposing of any cash or property obtained by them, or either of them, directly or indirectly, in whole or in part, from or formerly belonging to the Reverend William Austin Thompson, now deceased, during the period October 11, 1995, to August 22, 1996, or thereafter, or obtained or improved by them, or either of them, in whole or in part, through the use of money or assets formerly belonging to or traceable to the said Reverend Thompson.

3. Without in any way limiting the generality of the foregoing, pending final judgment herein or further orders of this court, each of the defendants is hereby specifically enjoined and restrained, separately and severally, from selling, quitclaiming, disposing of, mortgaging, pledging as collateral or executing a deed or any other conveyance of the following described real properties:

Property in Shelby County, Alabama, described as follows:

Lot 1, according to the survey of Jameswood, First Sector, as recorded in Map Book 10, Page 45, in the Probate Office of Shelby County, Alabama.

AND

Property in Baldwin County, Alabama described as follows:

Beginning at the Northwest corner of Lot 1, Block "K", as shown on the plat of Magnolia Plaza; run thence North $67^{\circ} 08' 33''$ East along the South line of Oak Street, a distance of 100.02 feet to the Northeast corner of said Lot 1; thence run South $23^{\circ} 05' 22''$ East, along the East boundary of said Lot 1, a distance of 195.92 feet; run thence South $70^{\circ} 42' 56''$ West, a distance of 179.05 feet to a point on the East line of Bay Street; run thence North along the East line of Bay Street, a distance of 200.60 feet to the point of beginning. Being a part of Lots 1, 17, 18, 19 and 20 of Block "K" of a redivision of Lot 52, of Lyman's Subdivision in Magnolia Springs, Alabama, as shown on plat of Magnolia Plaza, in Section 33, Township 7 South, Range 3 East.

4. The court is informed that the Baldwin County property is listed for sale with a real estate agent. The defendants shall be permitted to contract with bona fide purchasers for the sale of the Baldwin County property, but the court hereby directs that at closing all of the net proceeds of sale shall be subject to this preliminary injunction, and shall not be distributed to the defendants, or either of them, pending further orders of this court. Should the defendants enter into a contract for the sale of the Baldwin County property to a bona fide purchaser before this matter is resolved by final decree, the defendants or their counsel shall immediately notify the court and plaintiffs' counsel, and shall immediately provide plaintiffs' counsel with a copy of the contract for sale. If the parties are unable to agree to a division of the anticipated net proceeds of sale, they shall so notify the court and the court shall conduct an expedited hearing on the issue

of whether any portion of the net proceeds of sale should be escrowed pending final judgment in this matter.

5. The court retains jurisdiction of this matter pending further interim orders of this court, and final judgment herein.

DONE AND ORDERED this the 7th day of April, 1997.

CIRCUIT COURT
BALDWIN COUNTY, AL.
FILED

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JACKIE N. CALHOUN
CIRCUIT COURT CLERK


Lyn Stuart, Circuit Judge

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