

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

Clara Jean Blair Rasco, Lee K.  
Blair, John Paul Blair, Mitchell  
Blair, Wanda Horton Jones  
PLAINTIFFS

vs.

Clark Carter, Leondus Carter,  
Doris Ellen Carter, Calera Southeast, Inc.  
DEFENDANTS

CIVIL ACTION NO. CV-97-458

CONSENT ORDER

WHEREAS, Complaint was filed in the above case to establish boundary line of Plaintiffs. The boundaries in question are the West boundary and the South boundary of the following described property, to-wit:

Commence at the Southwest corner of the SE 1/4 of the SW 1/4 of Section 22, Township 22 South, Range 2 West, Shelby County, Alabama, and run thence Northerly along the West line of said Quarter-Quarter Section a distance of 655.23 feet to a steel pin corner and the point of beginning of the property being described; thence continue along last described course 600.00 feet to a steel pin corner; thence turn 95 degrees 02 minutes 27 seconds right and run Easterly a distance of 202.35 feet to a new steel pin corner set on February 27, 1996; thence turn 62 degrees 01 minutes 06 seconds right and run Southeasterly along the Westerly right of way line of Interstate Highway No. 65 a distance of 377.00 feet to a concrete monument corner; thence turn 5 degrees 37 minutes 11 seconds right and continue Southeasterly along said Highway right of way line 249.14 feet to a steel pin corner; thence turn 107 degrees 37 minutes 40 seconds right and run Westerly 423.44 feet to the point of beginning. According to survey of Joseph E. Conn, RLS 9049, dated February 27, 1996.

NOTE: A COPY OF SURVEY IS ATTACHED HERETO AS EXHIBIT "A".

WHEREAS, Defendants, represented by John Medaris suggested the Court view the property line in question in order to eliminate the need for lengthy trial;

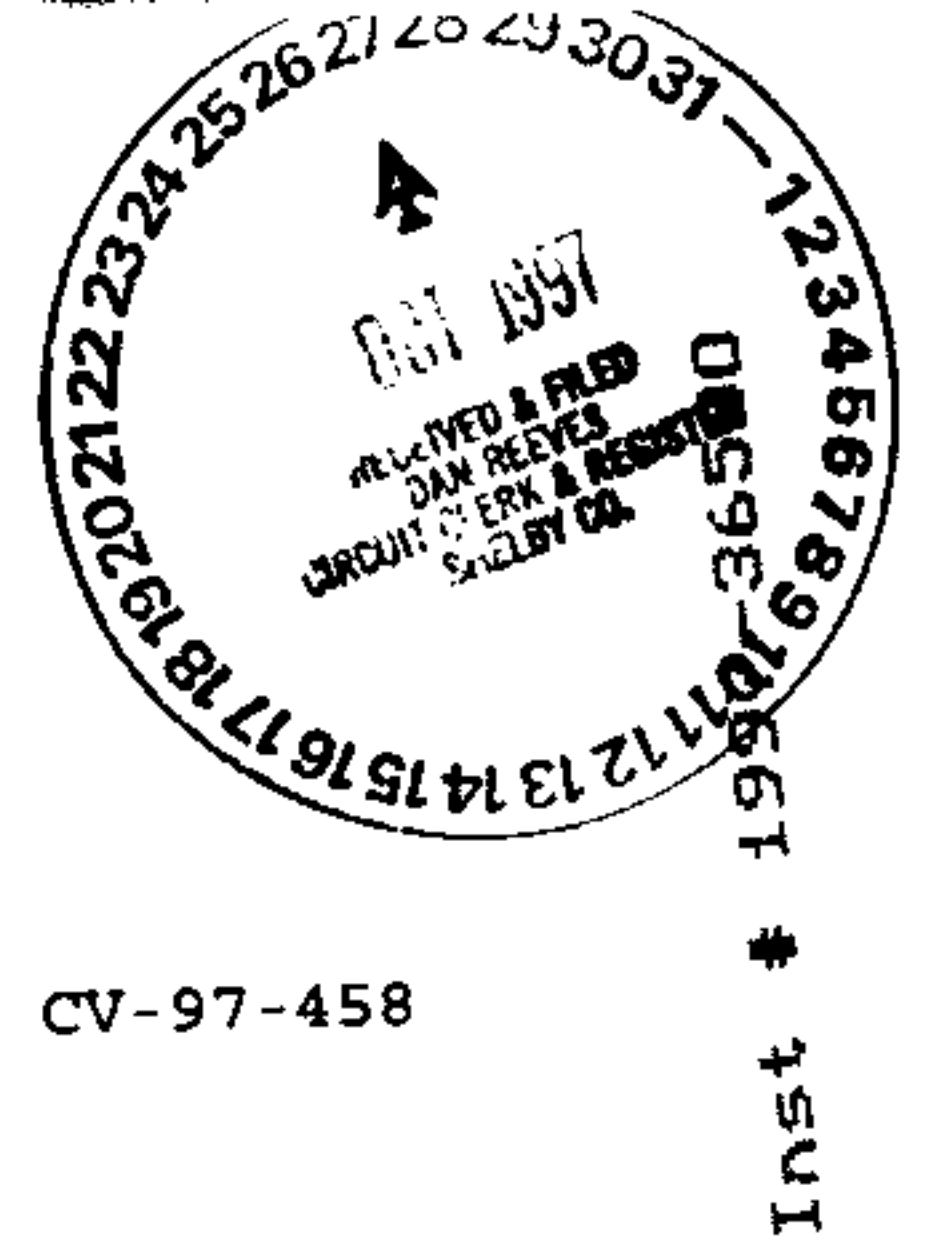
WHEREAS, on October 6, 1997, at approximately 4:00 P.M., John Medaris, Attorney for Defendants, Mike Atchison, Attorney for Plaintiffs, and Michael J. Joiner, Circuit Judge conducted a view of the boundary line in question. Sonny Conwell, Attorney for Calera Southeast, Inc. was not present.

As a result of this view, the Court issues the following consent order:

1. All property lying East of the West line and North of the South line of the above described property is the sole property of the Plaintiffs, in fee simple.

Inst # 1997-36500

11/07/1997-36500  
08:41 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MEL 18.50

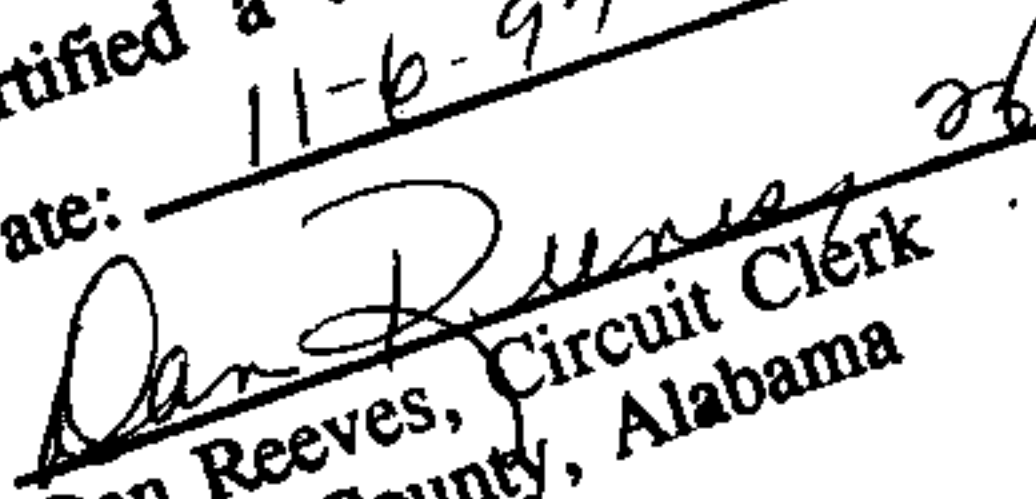


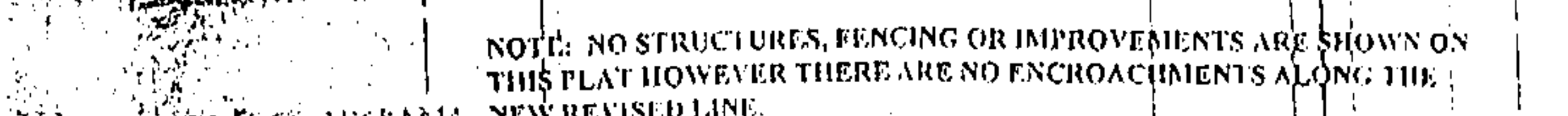
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2. All property lying immediately West of the West line of the above described property is the sole property of Defendants, Clark Carter, Leondus Carter, and Doris Ellen Carter, in fee simple.
3. Defendant Calera Southeast, Inc. owns no interest in the property described above.
4. The fences currently in place are the true and correct boundaries between the parties herein.
5. The Defendants shall not interfere with the proper use or development of the Plaintiff's property, and shall have no wrongful contact with the Plaintiff, his agents, employees, or contractors, either verbal or otherwise. The Plaintiff shall have unrestricted use of all properties lying East and North of existing fences, as described above. The plaintiff shall not interfere with the property use or development of the defendants' property, and shall have no wrongful contact with the Defendants, their agents, employees, or contractors, either verbal or otherwise. The Defendants shall have unrestricted use of all property lying West and South of existing fences as described above. Neither party shall take any action to harm or damage the property of the other party.
6. Each party shall be responsible for their own attorney's fees. Costs of court are taxes as paid.

Done and ordered this 27<sup>th</sup> day of October, 1997.

  
J. Michael Joiner, Circuit Judge

Certified a true and correct copy  
Date: 11-6-97  
  
Dan Reeves, Circuit Clerk  
Shelby County, Alabama



I, Joseph E. Conn, Jr., a Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon, said survey being a revision of my original survey dated January 12, 1993. Revision was done in accord with the settlement of a Circuit Court case between Blair and Carter. I further certify that all steel pin or pipe corners have been found and one new corner installed as shown hereon represented by small open circles. I further certify that this survey and this plat meets the minimum technical

*[Handwritten signature]*

Joseph E. Conn, Jr. Alabama PLS # 9049

SECRET