

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

DAUGHERTY ASSOCIATES, a general partnership
PLAINTIFF

vs.

CASE NO. CV-97-817

THE HEIRS AT LAW AND NEXT OF KIN OF LEE
BYARS, DECEASED; DAISY LEE JACKSON;
THE HEIRS AT LAW AND NEXT OF KIN OF
ETHEL HOLLOWELL, DECEASED; LUCILLE
HAYMON; MARJORIE HARDAWAY; ALICE
FONTAINE; BARBARA SIMMONS; IDA
STRICKLAND; DAISY HARRIS; HERBERT
HARRIS; OLLIE BYARS; FANNIE BYARS;
ANNIE DUNCAN; HAZEL WILLIAMS;
AND ALL UNKNOWN PARTIES A, B & C,
AND THE FOLLOWING DESCRIBED PROPERTY,
TO-WIT:

A PARCEL OF LAND IN THE NORTHEAST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 12,
TOWNSHIP 21 SOUTH, RANGE 3 WEST, BEING
THE SAME LAND DESCRIBED IN A DEED TO
DAUGHERTY ASSOCIATES RECORDED IN INSTRUMENT
#1992-030519, OF THE REAL PROPERTY RECORDS
OF SHELBY COUNTY, ALABAMA. SAID PARCEL
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF
THE NORTHEAST QUARTER OF THE NORTHWEST
QUARTER OF SAID SECTION 12; THENCE NORTH
00 DEGREES 36 MINUTES 51 SECONDS WEST
ALONG THE EAST LINE OF SAID SIXTEENTH
SECTION, A DISTANCE OF 1242.12 FEET TO
A 1/2 INCH REBAR SET, WITH A CAP STAMPED
"S. WHEELER, RPLS 16165; THENCE NORTH 88
DEGREES 40 MINUTES 02 SECONDS WEST A
DISTANCE OF 403.51 FEET TO A 1/2 INCH
CRIMPED PIPE, FOUND ON THE EAST RIGHT
OF WAY OF INTERSTATE HIGHWAY NO. 65;
THENCE SOUTH 11 DEGREES 55 MINUTES 34
SECONDS WEST ALONG SAID RIGHT OF WAY A
DISTANCE OF 309.31 FEET TO A 1/2 INCH
REBAR SET, WITH A CAP STAMPED "S. WHEELER,
RPLS 16165"; THENCE SOUTH 00 DEGREES 09
MINUTES 06 SECONDS WEST ALONG SAID RIGHT
OF WAY A DISTANCE OF 288.42 FEET TO A
1/2 INCH REBAR SET, WITH A CAP STAMPED
"S. WHEELER, RPLS 16165"; THENCE NORTH
45 DEGREES 32 MINUTES 26 SECONDS EAST
A DISTANCE OF 233.00 FEET TO A 1 1/2 INCH
PIPE, FOUND; THENCE SOUTH 23 DEGREES 16
MINUTES 08 SECONDS EAST, A DISTANCE OF
392.00 FEET TO A 1/2 INCH REBAR SET, WITH
A CAP STAMPED "S. WHEELER, RPLS 16165";
THENCE SOUTH 88 DEGREES 45 MINUTES 57
SECONDS EAST A DISTANCE OF 95.31 FEET TO
A 1/2 INCH REBAR SET, WITH A CAP STAMPED
"S. WHEELER, RPLS 16165"; THENCE SOUTH 00
DEGREES 36 MINUTES 51 SECONDS EAST A
DISTANCE OF 442.14 FEET TO A 1/2 INCH
REBAR SET, WITH A CAP STAMPED "S. WHEELER,

Inst # 1998-24265

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SHELBY COUNTY JUDGE OF PROBATE
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RPLS 16165"; THENCE SOUTH 88 DEGREES 45 MINUTES 57 SECONDS EAST A DISTANCE OF 60.03 FEET TO THE POINT OF BEGINNING. ACCORDING TO SURVEY OF SID WHEELER, RLS #16165, DATED 7-23-97. SITUATED IN SHELBY COUNTY, ALABAMA, DEFENDANTS

O R D E R

1. Plaintiff, Daugherty Associates, is a Alabama General Partnership, whose mailing address is 1601 Gentilly Drive, Vestavia Hills, Alabama 35226. Plaintiff filed a verified complaint in personam and in rem under the provisions of Title 6-6-560, Code of Alabama, 1975, as amended, et seq. against the persons herein made Defendants and the lands herein described.

2. Defendants, Daisy Harris, Lee Byers Harris, G. L. Bunkley, and the heirs of G.L. Bunkley, filed an answer to said complaint.

3. Guardian ad litem, Christopher R. Smitherman, was appointed to represent unknown defendants and file an answer on their behalf.

4. Testimony in the above styled case was taken Ore Tenus on 9 June, 1998. At issue was the establishment of the title of Plaintiff. Upon consideration of the documentary evidence and the testimony considered, it is the conclusion and order of this court that the Plaintiff, Daugherty Associates, a general partnership, is the owner of the above described property in fee simple, proving superior title to any and all above named defendants. The above considered, title is hereby quieted in Daugherty Associates, a general partnership and all other claims and interests are hereby terminated in and to the following described property, to-wit:

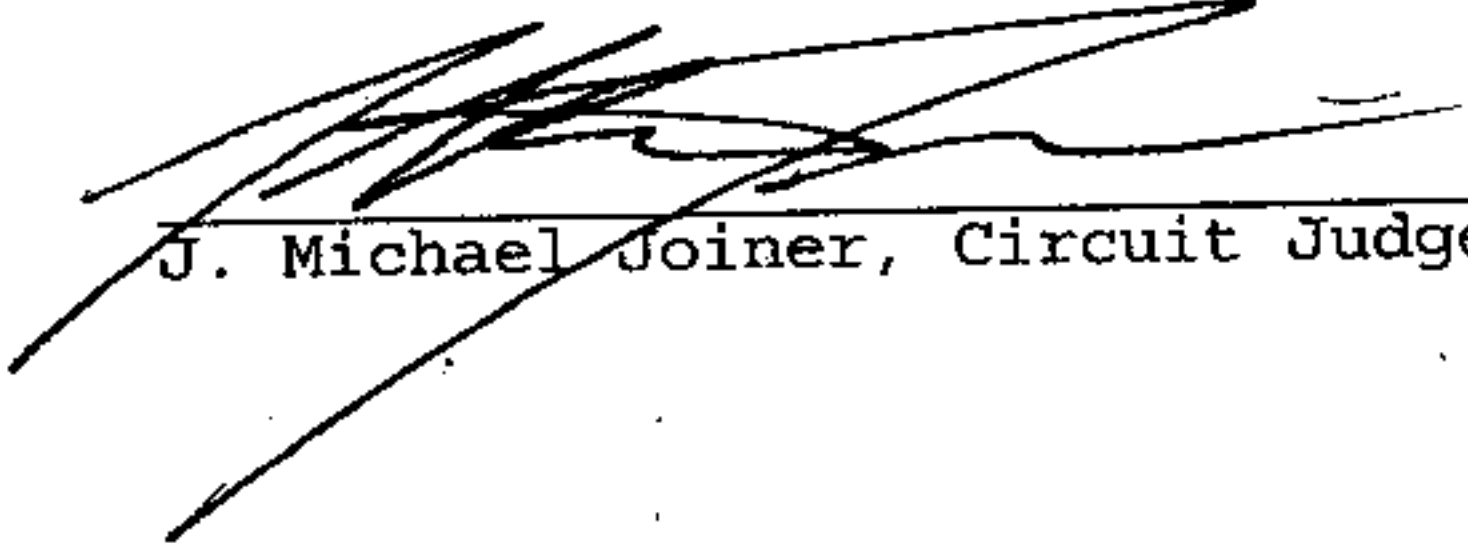
A PARCEL OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 3 WEST, BEING THE SAME LAND DESCRIBED IN A DEED TO DAUGHERTY ASSOCIATES RECORDED IN INSTRUMENT #1992-030519, OF THE REAL PROPERTY RECORDS OF SHELBY COUNTY, ALABAMA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH 00 DEGREES 36 MINUTES 51 SECONDS WEST ALONG THE EAST LINE OF SAID SIXTEENTH SECTOR, A DISTANCE OF 1242.12 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165; THENCE NORTH 88 DEGREES 40 MINUTES 02 SECONDS WEST A DISTANCE OF 403.51 FEET TO A 1/2 INCH CRIMPED PIPE, FOUND ON THE EAST RIGHT OF WAY OF INTERSTATE HIGHWAY NO. 65; THENCE SOUTH 11 DEGREES 55 MINUTES 34 SECONDS WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 309.31 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 00 DEGREES 09 MINUTES 06 SECONDS WEST ALONG SAID RIGHT OF WAY A DISTANCE OF 288.42 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE NORTH 45 DEGREES 32 MINUTES 26 SECONDS EAST A

DISTANCE OF 233.00 FEET TO A 1 1/2 INCH PIPE, FOUND; THENCE SOUTH 23 DEGREES 16 MINUTES 08 SECONDS EAST, A DISTANCE OF 392.00 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 88 DEGREES 45 MINUTES 57 SECONDS EAST A DISTANCE OF 95.31 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 00 DEGREES 36 MINUTES 51 SECONDS EAST A DISTANCE OF 442.14 FEET TO A 1/2 INCH REBAR SET, WITH A CAP STAMPED "S. WHEELER, RPLS 16165"; THENCE SOUTH 88 DEGREES 45 MINUTES 57 SECONDS EAST A DISTANCE OF 60.03 FEET TO THE POINT OF BEGINNING.
ACCORDING TO SURVEY OF SID WHEELER, RLS #16165, DATED 7-23-97.

5. Guardian ad litem fee is established at \$350.00. Plaintiff hereby is ordered to pay to Christopher R. Smitherman this amount.

Done, this the 16th day of June, 1998.


J. Michael Joiner, Circuit Judge

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