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ALABAMA JUDICIAL DATA CENTER  
IN THE CIRCUIT COURT OF SHELBY COUNTY

Inst # 1998-38724

ROSE ADAMS SPARKS VS THAD MOORE ET AL

BURFORD, JAMES F, III  
SUITE 101  
1318 ALFORD AVENUE  
BIRMINGHAM AL 35226

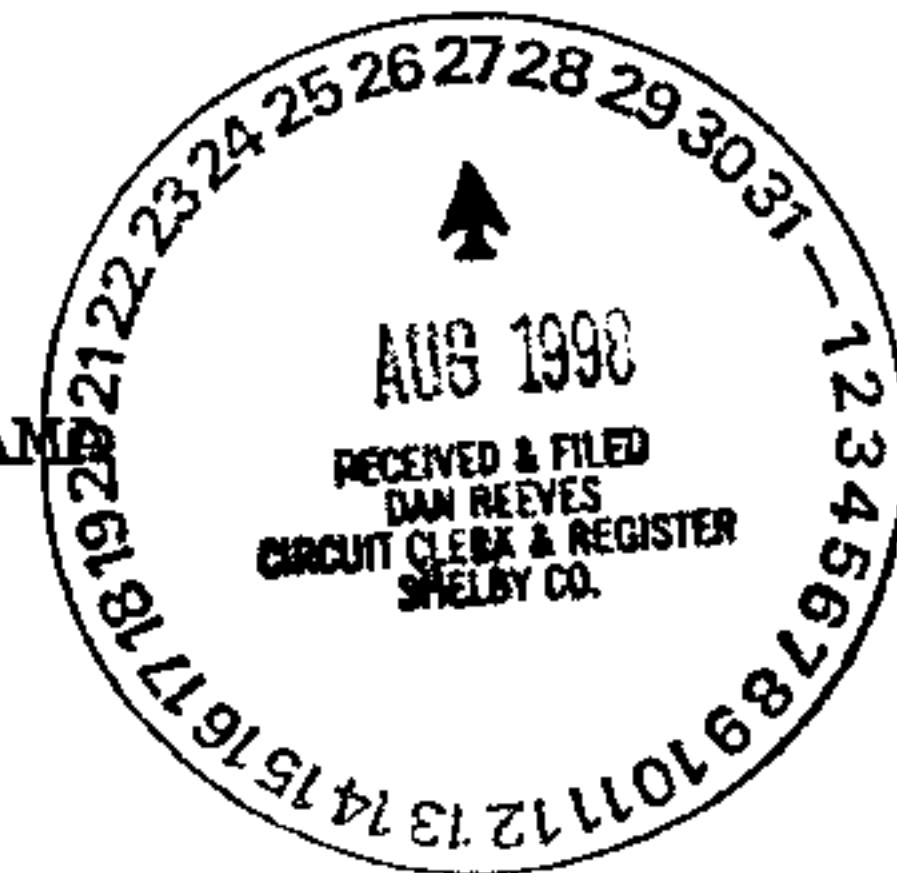
CASE NUMBER: CV 1995 000868 00  
PARTY NUMBER: C001

NOTICE ISSUED ON: 09/02/1998 CLERK: DAN REEVES  
P.O. BOX 1810  
COLUMBIANA, AL 35051  
(205) 669-3760

(09/02/1998) LOL

10/05/1998-38724  
11:33 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MEL 16.00

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA



ROSE ADAM SPARKS,

Plaintiff,

VS.

THAD MOORE, ET AL.

Defendants.

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CIVIL ACTION NO. CV-95-868

ORDER

This cause came on to be heard on the 22<sup>nd</sup> day of June, 1998 on the Objection to Order Nisi filed by the Defendants James Adams, Thad Moore and Herbert Moore.

Those present were the Plaintiff and her attorney James F. Burford, III, the Defendant James Adams and his attorney Mark Tippins and the Defendant Herbert Moore and his attorney Romaine Scott. No other parties appeared.

Oral evidence was taken and discussion was had between the court and the attorneys present. At the conclusion of the evidence, the parties agreed that a reasonable value for the real property which is the subject of this action would be Sixty Thousand Dollars (\$60,000) per Forty (40) acre parcel or a total of One Hundred Eighty Thousand Dollars (\$180,000). The Court is of the opinion that this is a reasonable value.

The Plaintiff has heretofore filed a notice of her intent to purchase the real property which is the subject of this action and has heretofore deposited with the Clerk of Court the sum of Sixty Five Thousand Eight Hundred Fifty Dollars (\$65,850) (the Initial Purchase Money) in order to purchase the interest of the Defendants and pay Plaintiff's prorata share of costs at the price of One Hundred Eight Thousand Dollars (\$108,000) established pursuant to appraisals performed by Commissioners previously appointed by the Court.

The Court has reviewed an Affidavit of James F. Burford, III and Roy F. King as to reasonable attorney's fees in this matter, said fees being in the amount of Ten percent (10%) of the total purchase price of the real property which is the subject of this action. Those parties objecting to this Court's Order Nisi of December 2, 1997 agreed that fees are reasonable in the amount of 10% of the purchase price and the Court also agrees.

In order to complete the purchase of the real property pursuant to Plaintiff's Notice, the Plaintiff has deposited an additional Forty Three Thousand Two Hundred Dollars (\$43,200) (the Additional Purchase Money) with the Clerk of Court in order to pay Plaintiff's prorata share of expenses and to purchase the interest of the Defendants at the purchase price of One Hundred Eighty Thousand Dollars (\$180,000). The Clerk shall return the interest earned on the Initial Purchase Money to Plaintiff.

The Court finds all of the foregoing reasonable and acceptable in conjunction with this action.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that, unless Plaintiff fails to deposit the Additional Purchase Money with the Clerk Of Court within thirty (30) of the date of this order, the following shall become a final order of this court in this action, there being no reason for delay.

1. The Clerk shall cause a copy of this Order to be forthwith mailed to all parties in interest or their attorneys.

2. The Clerk of Court shall execute and deliver the attached deed to the Plaintiff when this order becomes final.

3. From the sums deposited with this Court the Clerk shall pay, upon this order becoming final, the following sums:

(a) Buck Falkner, \$350.00 for Commissioners fees;

(b) Jim Strickland, \$350.00 for Commissioners fees;

(c) Johnny Lowe, \$350.00 for Commissioners fees;

(d) James F. Burford, III and Roy F. King, the sum of \$18,000.00 for attorneys fees.

4. Since the Beatrice 40 and the Walter 40 have the same ownership interest, the Clerk shall pay the following sums being a combination of the sums due from the Beatrice 40 and the Walter 40:

(a) To the Estate of James Adams, the sum of \$27,000.00 to be held by the Clerk pursuant to the courts Order of Sale as set out in paragraph 2 (b);

(b) To Thad Moore, the sum of \$13,500.00;

(c) To Herbert Moore, the sum of \$13,500.00.

in paragraph 2 (b);

(b) To Thad Moore, the sum of \$13,500.00;

(c) To Herbert Moore, the sum of \$13,500.00.

5. With respect to the Nellie 40 as set forth in this court's Order of Sale the Clerk shall pay the following sums:

(a) To the Estate of James Adams the sum of \$9,000.00 to be held pursuant to this court's Order of Sale as set out in paragraph 3(b);

(b) To Thad Moore, the sum of \$4,500.00;

(c) To Herbert Moore, the sum of \$4,500.00;

(d) To the Estate of Katherine Bonham deceased, the sum of \$6,000.00;

(e) To Richard L. Moore, the sum of \$2,000.00;

(f) To Katherine Smith, the sum of \$2,000.00;

(g) To Robert A. Moore, the sum of \$2,000.00;

(h) To the Estate of William Moore deceased, the sum of \$6,000.00 to be held by the Clerk pursuant to this Court's Order of Sale as set forth in paragraph 3(i).

6. The foregoing Order is a final Order of this Court.

DONE this 27<sup>th</sup> day of August, 1998.

A. Al Cowson  
Circuit Judge

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