

JOHN PATTERSON,

PLAINTIFF,

VS.

BETTY WOOTEN,

DEFENDANT,

VS.

JESSIE HALE and DAPHINE HALE,

THIRD-PARTY DEFENDANTS.

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IN THE CIRCUIT COURT FOR

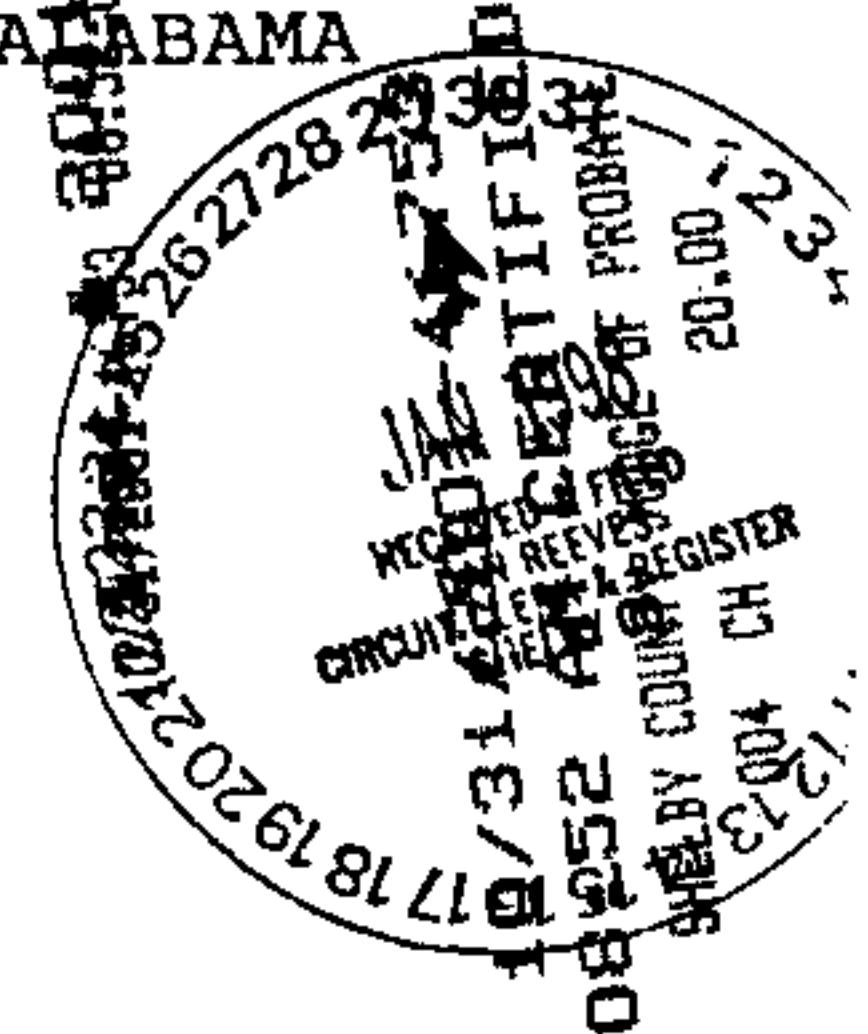
SHELBY COUNTY, ALABAMA

CV 96-677

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SHELBY COUNTY



BOUNDARY LINE JUDGMENT

Upon consideration of the pleadings and the evidence which have been submitted by the parties, including ore tenus testimony and a survey plat of Steven H. Gay, Registered Land Surveyor, dated January 15, 1998, which was filed in open Court by agreement of the parties, and after viewing the coterminous parcels of land by the Court in the presence of the attorneys for the parties, the Court FINDS, ORDERS, ADJUDGES, and DECREES, as follows:

1. The issue for determination by the Court in this bench-trial proceeding is the location of the true and correct boundary line between coterminous parcels of lands of the plaintiff and the defendant.

The plaintiff John Patterson holds title to his parcel through deed dated July 12, 1991, and recorded in Deed Book 353 at Page 983 and deed of correction dated December 13, 1991, recorded in Deed

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SHELBY COUNTY JUDGE OF PROBATE

Book 377 at Page 793, Office Of Judge Of Probate Of Shelby County, Alabama, and the defendant Betty Wooten holds title to her contiguous parcel through deed dated May 20, 1992, recorded as Instrument No. 1992-09030 in said Probate Office.

2. The plaintiff's predecessors in title, namely, the third-party defendants Jessie Hale and wife Daphine Hale, and the defendant Betty Wooten previously engaged in litigation to determine the correct boundary line between the contiguous parcels, and a final Order dated August 19, 1991, was entered in such litigation, being Case No. CV 90-282 of the Circuit Court of Shelby County, Alabama, but controversy still remains as to the location of said boundary line, as presented by the parties in this present litigation.

3. The Court FINDS and FIXES the true and correct boundary line between said parcel of the plaintiff and said parcel of the defendant to be as follows:

Commence at the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 12, Township 24 North, Range 15 East; thence run West along the South line of the said 1/4-1/4 for 726.27'; thence turn an angle to the right of 93 degrees, 27', 18" and run North for 181.32'; thence turn an angle to the left of 130 degrees, 37', 40" and run Southwest for 229.37' to the point of beginning; from the point of beginning thus obtained turn an angle to the right of 135 degrees, 58', 50" and run Northeast for 103.83'; thence turn an angle to the right of 08 degrees, 58', 40" and run Northeast for 39.08'; thence turn an angle to the left of 55 degrees, 41', 41" and run Northwest for 18.74' to a point on the Edge of Lay Lake and the end of said property line, according to Survey of Steven H. Gay, Registered Land Surveyor, dated January 15, 1998, a copy of the plat of said survey being attached hereto as Exhibit "A" and by reference hereto

being a part hereof.

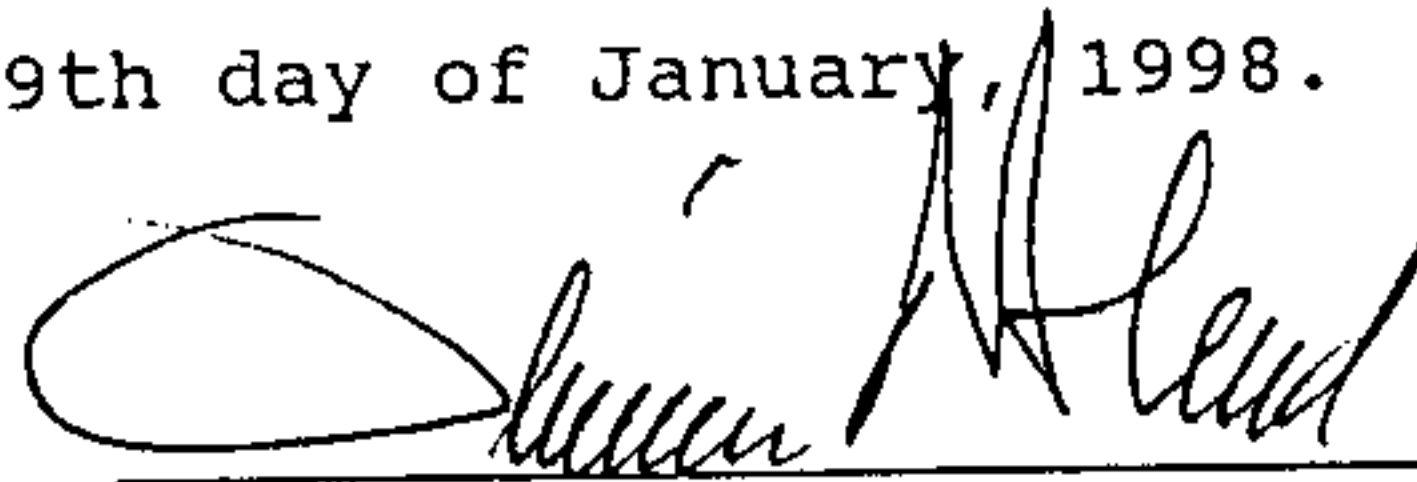
4. All provisions of said Order of the Circuit Court dated August 19, 1991 in said Case No. CV 90-282 not herein specifically modified shall remain in full force and effect.¹

5. It is further CONSIDERED, ORDERED, ADJUDGED, and DECREED by the Court that there is no just reason for delay and that this judgment should be and is entered as a final judgment in accordance with Rule 54(b) of the Alabama Rules Of Civil Procedure.

6. Costs of Court are taxed against the plaintiff.

7. The issues in this bifurcated trial which are to be heard by a jury remain set for trial on April 13, 1998, at 9:00 A.M., as provided in the Trial Setting, Scheduling, And Preparation Order which was entered in this case on November 25, 1997. The Court now sets a pre-trial conference prior to said jury trial on Friday, March 6, 1998, at 2:30 P.M.

DONE and ORDERED this 29th day of January, 1998.



Oliver P. Head
Circuit Judge

¹ It is the specific intention of the Court that Paragraph No. 2 and Paragraph No. 3 of said Order of August 19, 1991, in said Case No. CV 90-282 shall remain in full force and effect.



SHELBY COUNTY
PUBLIC WORKS DEPARTMENT
COUNTY ENGINEER'S OFFICE
506 Highway 70
COLUMBIANA, ALABAMA 35051

KENNETH R. COLE, P.E.
COUNTY ENGINEER

TELEPHONE
205-669-3880

August 22, 2001

To Whom It May Concern:

Re: Minnow Lane off County Road 403
South ½ of Section 12
Township 24 North, Range 15 East

This is to advise that the road known as Minnow Lane, running in a northerly direction off County Road 403 for approximately 700 feet at the above referenced location, is presently maintained by the Shelby County Highway Department.

The County recognizes this road as a prescriptive use public road. If additional information is needed, please contact me at this office.

Yours truly,

Debra T. May
Debra T. May

cc: Kenneth R. Cole, County Engineer
File

Inst. # 2001-46753

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