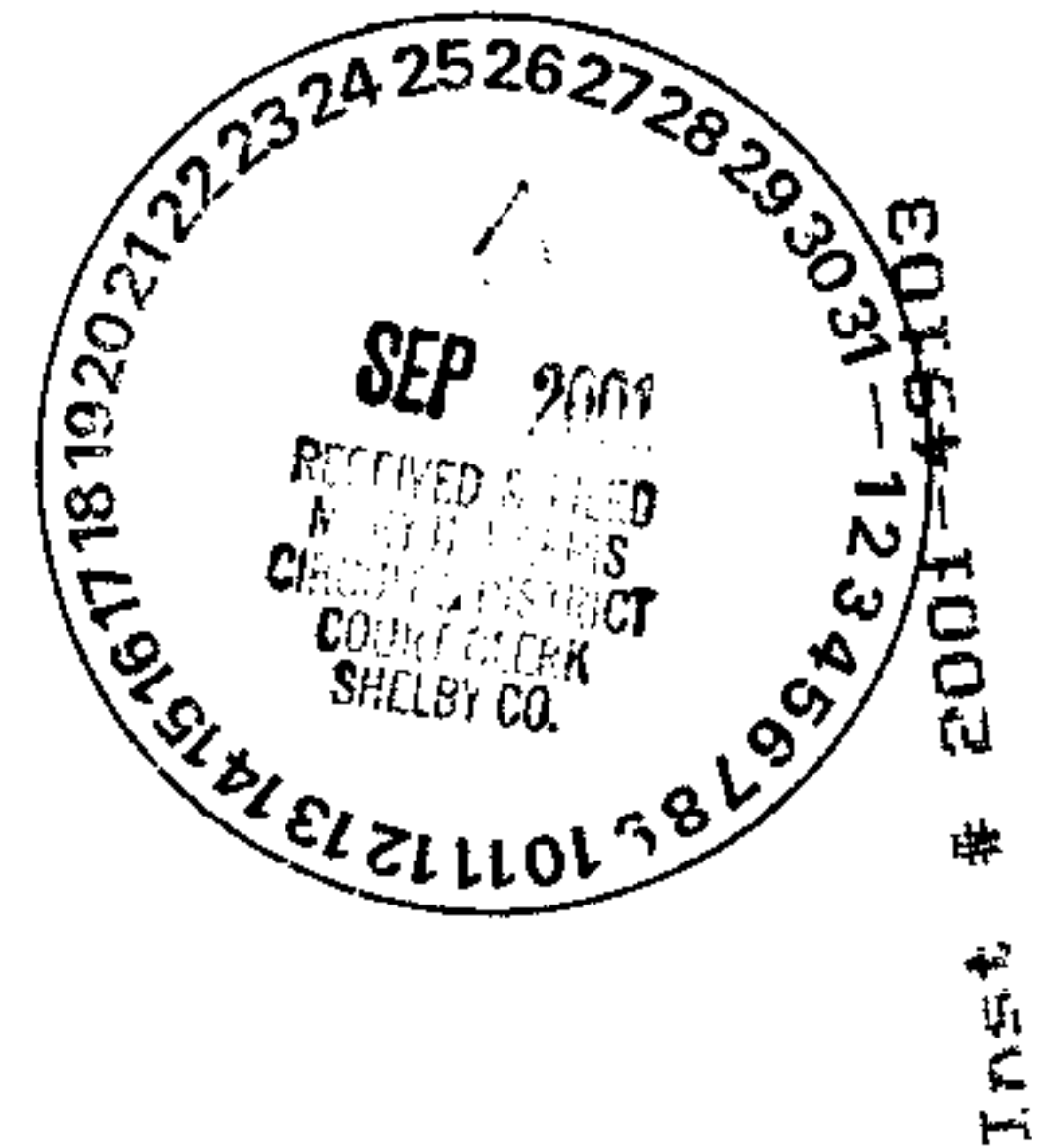


CLERK'S DEED

THE STATE OF ALABAMA

SHELBY COUNTY

CASE NO. CV 00-1231



KNOW ALL MEN BY THESE PRESENTS:

The Plaintiffs, Jack and Linda Gamel, having brought suit against Defendant, Howard Grant Dunnam, under Case Number CV 00-1231 in the Eighteenth Judicial Court of Shelby County, Alabama, and the Plaintiffs having prevailed in that action, including a claim to Quash Title, and the court having ordered the Clerk of Court to convey the below described real property to the Plaintiffs with all rights, title and interest in fee simple of that certain real property set out herein below by Order of the Honorable Michael Joiner dated September 26, 2001.

NOW, THEREFORE, in consideration of the premises, and the setoff of said amount as ordered aforesaid, I, Mary Harris as Clerk of the Circuit Court, Eighteenth Judicial Circuit of Alabama at Columbiana, by virtue of the authority in me vested by said decree of 9-26, 2001, confirming said ownership, have conveyed, and by these presents do hereby convey unto the said Jack Gamel and Linda Gamel, jointly with right of survivorship the following described Real Estate, situated in the County of Shelby, in the State of Alabama, to-wit:

All of Lot 1317 and the NE 39 feet of Lot 1318,  
according to the Survey of Weatherly, Wixford Forest,  
13<sup>th</sup> Sector, Phase 2, as recorded in Map Book 22, Page  
003, in the Probate Office of Shelby County, Alabama.

Any encumbrances against the property herein conveyed are assumed by the purchaser.

TO HAVE AND TO HOLD, to the said Jack Gamel and Linda Gamel, their heirs and assigns forever.

11/13/2001-49103  
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SHELBY COUNTY JUDGE OF PROBATE  
008 MEL 32.50

My Commission expires MY COMMISSION EXPIRES AUG. 16, 2003

1. For the Court to conduct a hearing and make all necessary inquiries relating to the facts of the case, particularly with respect to the liability of the Defendants, and the injuries and damages to the Plaintiff with respect to her claims for negligence, breach of contract, and fraud;
2. For the Court to conduct a hearing and make all necessary inquiries relating to the facts of the case, particularly with respect to Plaintiff's request for permanent injunctive relief;
3. For the Court's entry of an appropriate Order of Judgment.

## **SUMMARY OF PROCEEDINGS AND HEARING**

The Court previously conducted a hearing in open Court to become familiar with all the facts and circumstances relating to the nature of the Plaintiffs' claims, and in particular, the Plaintiffs' claims for negligence, breach of contract, fraud, and request for permanent injunctive relief.

The Court adopts and incorporates its previous Order granting Plaintiff's injunctive relief as if fully stated herein.

Based upon the considerations and factual findings of this Court at the previous hearing, as stated in its previous Order mentioned above, it is the opinion of the Court that the proposed relief requested by the Plaintiffs is due to be granted.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND  
DECREED AS FOLLOWS:**

1. That Plaintiffs' Request for Injunctive Relief is hereby declared permanent; and
2. Considering all of the evidence that is before the Court, the Court finds Defendants guilty of negligence, recklessness, and intentional misconduct, including actual and legal fraud, as contemplated by Ala. Code Sections 6-5-100, 6-5-101, 6-5-102, 6-5-103, and 6-5-104.

3. The quit claim and warranty deeds are declared void *ab initio*; and
4. The lease agreement and option to purchase agreement are declared void *ab initio*.

e. Plaintiffs is awarded \$20,000.00 in compensatory and punitive damages. The Court finds that Plaintiff's compensatory damages are \$5,000.00, representing Plaintiff's mental anguish and costs associated with Defendants' negligence and fraud. The Court, having considered the wrongful nature of Defendant Dunnam's conduct specifically finds that Dunnam's conduct was of a degree and type warranting punitive damages under Alabama law. Therefore, this Court makes a finding for punitive damages, pursuant to and consistent with Alabama Code §6-11-21, in the amount of \$15,000, which is based on a multiplier of three times the proven compensatory damages.

Ordered and done this 26 day of Sept., 2001.

  
Circuit Judge



**IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA**

**JACK GAMEL AND LINDA GAMEL**

**Plaintiffs,**

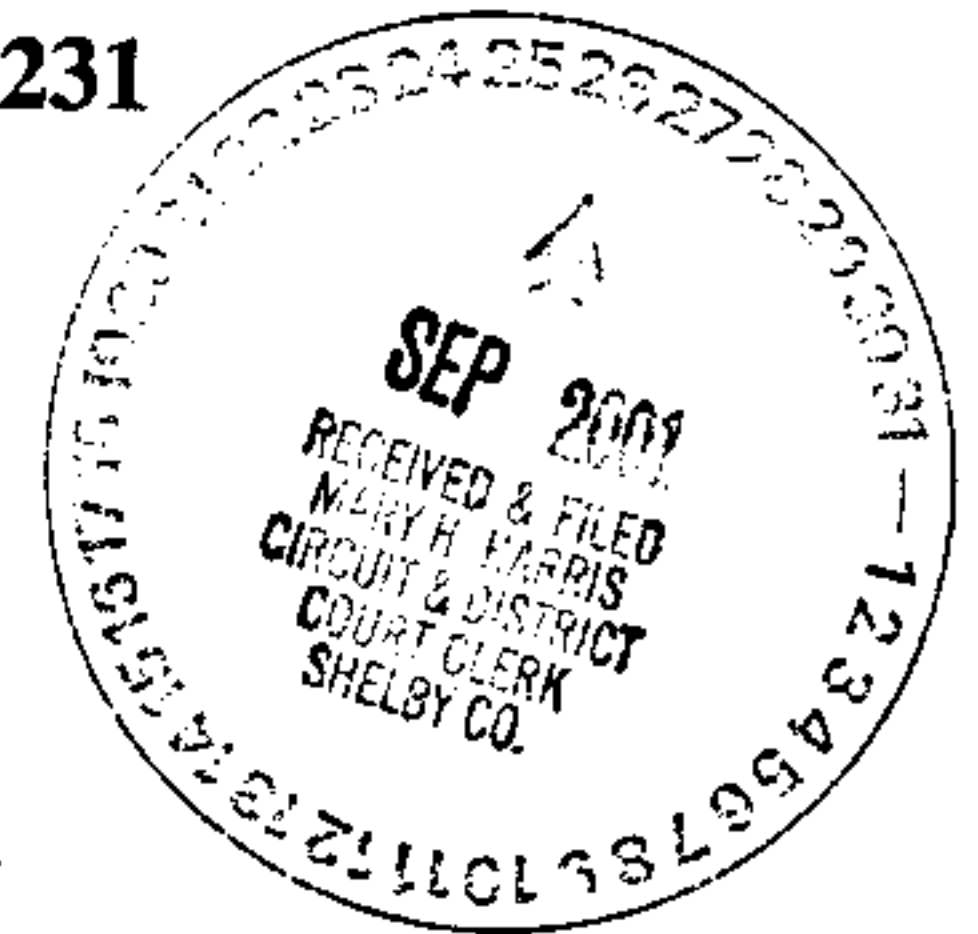
**v.**

**HOWARD GRANT DUNNAM, JR.,  
THE CKC TRUST; 164 WINDSOR LANE  
TRUST; ET AL.**

**Defendants.**

**Civil Action Number:**

**CV 00-1231**



**ORDER OF JUDGMENT TO QUASH TITLE**

This cause came before the Court for hearing on September 19, 2001.

Upon consideration of the verified Petition for Preliminary and Permanent Injunctive Relief, Complaint, prior Orders prescribing and directing notice to the Defendants, Motion for Default Judgment, and oral testimony taken in open Court, the Court makes the following as findings of fact, among other things:

1. Jack and Linda Gamel, at the time of the filing of the Complaint and Petition for Injunctive Relief in this cause, claimed in their own right joint title with right of survivorship to their homestead located at 164 Heather Ridge Drive, Pelham, Alabama.

2. At the time of the filing of the Complaint and Petition for Injunctive Relief, no suit was pending to contest Plaintiffs' title to, interest in, or the right to the possession of said land and property.

3. The Plaintiffs' Petition for Injunctive Relief was duly verified, and was filed against said land and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, in which to establish the right or title to such lands or interests, and to clear up all doubts or disputes concerning the same.

4. Service of process was had against the Defendants in compliance with the Alabama Rules of Civil Procedure, and the Court finds that Plaintiffs exercised diligence to ascertain all the facts in regard to the names of proper parties to be named as Defendants.

5. All the allegations of fact contained in the Complaint, Petition for Preliminary and Injunctive Relief, and Motion for Default Judgment are true.

It is therefore, ORDERED, ADJUDGED and DECREED as follows:

A. That the Plaintiffs are entitled to the relief prayed for in the Complaint, Petition for Preliminary and Permanent Injunctive Relief, and Motion for Default Judgment, and the joint title with right of survivorship claimed by the Plaintiffs in and to the above-described land has been duly proved, and the Plaintiffs are the owners of said land and have joint title with right of survivorship title thereto, free

of all liens and encumbrances, except their mortgage with First Federal of Tuscaloosa, Alabama, and their title thereto be and is hereby established, and all doubts and disputes concerning same be and the same are hereby cleared up.

- B. That a certified copy of this decree be recorded in the office of Judge of Probate of Shelby County, Alabama, and it be indexed in the name of the Plaintiffs Jack Gamel and Linda Gamel, in both the direct index and the indirect index of the records thereof.
- C. That joint title with right of survivorship to Plaintiffs' property be rendered by Clerk's Deed to the Plaintiffs, and it be indexed in the name of the Plaintiffs, Jack Gamel and Linda Gamel, in both the direct index and the indirect index of the records thereof.

Done this the 26 day of Sept., 2001.

  
Circuit Judge

Inst # 2001-49103

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SHELBY COUNTY JUDGE OF PROBATE  
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