

STATE OF ALABAMA)
SHELBY COUNTY)

CLERK'S DEED OF PRIVATE SALE

Know All Men by These Presents, That Whereas, on the 10th day of June, 2002, a decree was rendered by the Circuit Court of Shelby County, Alabama, in a certain cause pending in said court, said cause being entitled Nancy W. Clark, et al. v. Dr. Robert J. Whorton, et al., Civil Action No.: CV 2001-715, in whereby it was ordered and decreed by the court that the contract between plaintiffs and purchaser Karen Joines dated May 25, 2001 was approved and ratified by the court, and further ordered that the Circuit Clerk execute and deliver to Karen Joines a deed conveying all the right, title, claim and interest of all defendants in said cause, in and to said land.

NOW THEREFORE, in consideration of the premises and the payment of the total purchase price of \$503,700.00 to the closing attorney, W. L. Longshore, III, I, Mary H. Harris, Clerk of the Circuit Court of Shelby County, Alabama, under and by virtue of the authority vested in me by the decree of said court dated June 10, 2002, a copy of which is attached as "Exhibit 1" to this deed, do hereby grant, bargain, sell and convey unto Karen Joines all the right, title, claim and interest of the said defendants to this cause, namely Robert J. Whorton, Carolyn Ray Lambert, William M. Whorton, Jr., individually and as executor of the estate of William M. Whorton, Sr., Betty Haag, individually and as executrix of the estate of William M. Whorton, Sr., William M. Whorton, III, Della Scott Whorton, Kate Whorton Waters, William M. Whorton, IV, Mary Whorton Zarconi, Elizabeth Whorton Cook, Kathryn Ruth Kent (an incapacitated person whose conservator is Stephen Christian Kent and whose guardian ad litem is Vonda Felton), Stephen Christian Kent and Christopher Whorton Cook and David James

✓
W.L. Longshore Jr.
2009 Second Ave N.
Longshore Bldg.
B'ham 35203

Chambers, (minors who take under the will of William M. Whorton, Sr. and who have Vonda Felton as guardian ad litem), in and to the following described tract or parcel of land lying and being in Shelby County, Alabama, to wit:


From a 1/2-inch rebar at the SW corner of Section 4, Township 21 South, Range 1 East, run thence North along the West boundary of said Section 4 a distance of 1333.07 feet to a 1-inch pipe at the SW corner of the NW 1/4 of SW 1/4, according to sized said Section 4, being the point of beginning of herein described parcel of land; thence continue along said course a distance of 1333.06 feet to a 1/2-inch pipe at the SW corner of the SW 1/4 of NW 1/4, according to said sized Section 4; thence continue along said course a distance of 1333.06 feet to a 1/2-inch rebar at the SW corner of the NW 1/4 of NW 1/4, according to said sized Section 4; thence continue along said course a distance of 666.54 feet to a 1/2-inch rebar that is 666.53 feet South of a 1/2-inch rebar at the NW corner of said Section 4; thence turn 89 degrees 41 minutes 47 seconds left and run 456.33 feet to a 1/2-inch rebar on the Easterly boundary of Shelby County Highway #55 (80-foot right of way); thence turn 128 degrees 44 minutes 54 seconds right and run 219.50 feet along said highway boundary; thence turn 00 degrees 23 minutes 06 seconds left and run 113.90 feet along said highway boundary; thence turn 02 degrees 09 minutes 07 seconds left 114.81 feet along said highway boundary; thence turn 06 degrees 06 minutes 26 seconds left and run 119.34 feet along said highway boundary; thence turn 05 degrees 43 minutes 11 seconds left and run 80.72 feet along said highway boundary; thence turn 02 degrees 09 minutes 50 seconds left and run 87.04 feet along said highway boundary; thence turn 01 degrees 55 minutes 28 seconds left and run 18.98 feet along said highway boundary to a 1/2-inch rebar at a point of intersection with the Southerly boundary of Shelby County Highway #48 (60-foot right of way); thence turn 71 degrees 42 minutes 49 seconds right and run 308.66 feet along said highway boundary to a 1/2-inch rebar; thence turn 87 degrees 41 minutes 13 seconds right and run 284.94 feet to a 1/2-inch pipe; thence turn 89 degrees 32 minutes 03 seconds left and run 1066.63 feet along a fence line to a 1/2-inch pipe on the East boundary of the NW 1/4 of the NW 1/4 according to said sized Section 4; thence run 89 degrees 33 minutes 59 seconds right and run 1000.65 feet to a 1/2-inch pipe at the NW corner of the SE 1/4 of the NW 1/4 according to said sized Section 4; thence turn 89 degrees 30 minutes 48 seconds left and run 1330.37 feet to a 1/2-inch pipe at the NE corner of the SE 1/4 of the NW 1/4, according to said sized Section 4; thence turn 89 degrees 31 minutes 43 seconds right and run 1335.31 feet to a 1/2-inch pipe at the NE corner of the NE 1/4 of the SW 1/4 according to said sized Section 4; thence continue along said course a distance of 333.83 feet to a 1/2-inch rebar; thence turn 90 degrees 31 minutes 56 seconds right and run 1329.93 feet to a 3/4-inch rebar; thence turn 90 degrees 32 minutes 51 seconds left and run 1000.64 feet to a 1/2-inch pipe at the SE corner of the NW 1/4 of the SW 1/4, according to said sized Section 4; thence turn 90 degrees 35 minutes 02 seconds right and run 1329.67 feet to the point of beginning of herein described parcel of land. Situated in the NW

1/4 and the North 1/2 of SW 1/4 of Section 4, Township 21 South, Range 1 East, and the NE 1/4 of the NE 1/4 of Section 5, Township 21 South, Range 1 East, Shelby County, Alabama.

According to survey of Sam W. Hickey, RLS #4848, dated February 5, 2002.

To have and to hold unto said Karen Joines, his heirs and assignees forever.

IN WITNESS WHEREOF, I have here and to signed my name as clerk aforesaid, and have affixed the seal of this Court, this the 7 day of August, 2002.



Mary H. Harris,
Clerk of the Circuit Court of
Shelby County, Alabama

STATE OF ALABAMA)
SHELBY COUNTY)

GENERAL ACKNOWLEDGMENT

I, Lou L. Lawley, a Notary Public, in and for said County, in said State, hereby certify that Mary H. Harris, whose name as Clerk of the Circuit Court of Shelby County, Alabama, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, she, in her capacity as such Clerk, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 7th day of August, 2002.



Notary Public:
My Commission Expires: **MY COMMISSION EXPIRES AUG. 16, 2003**

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

NANCY W. CLARK, INDIVIDUALLY,)
 et al.)

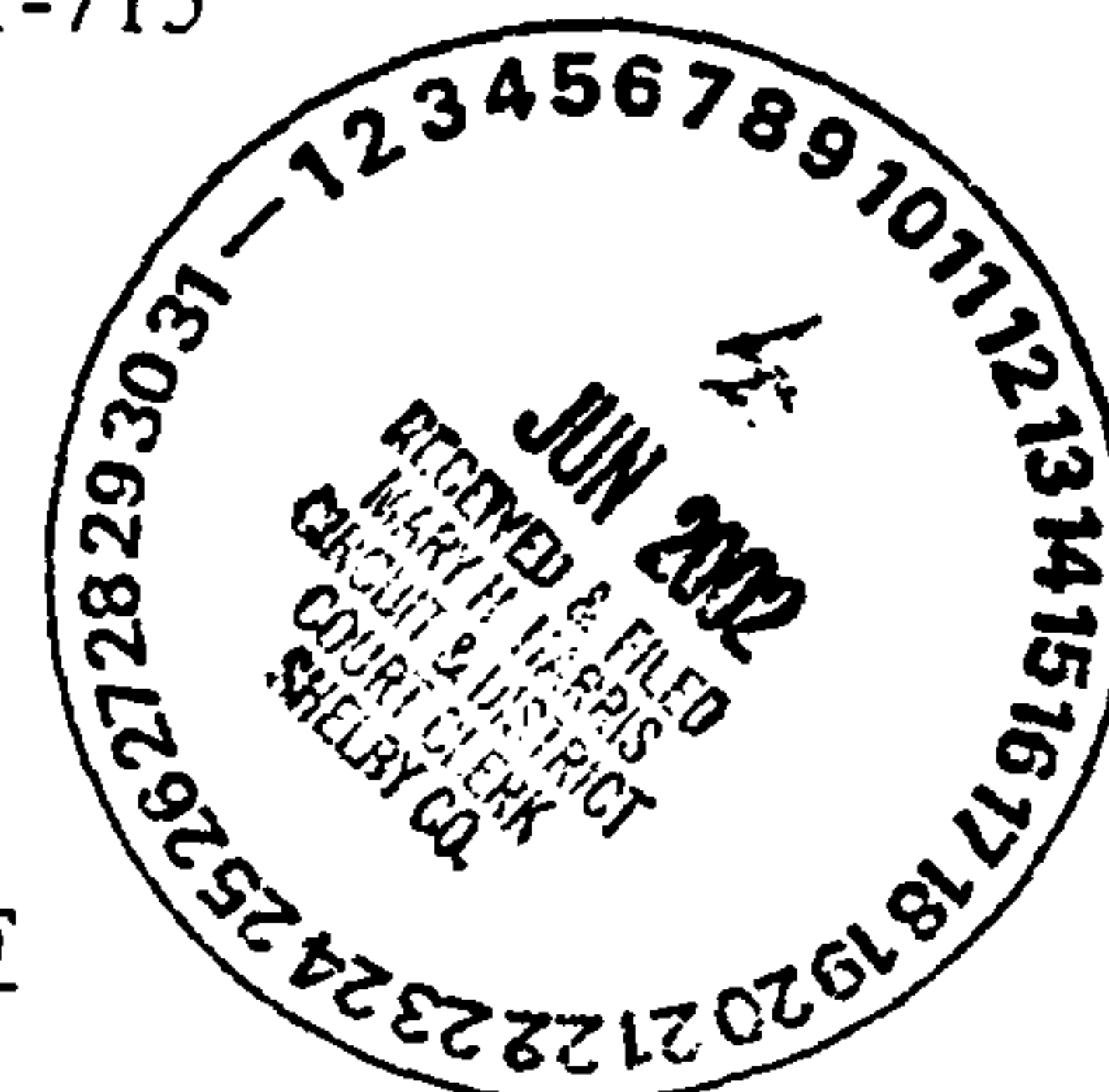
Plaintiffs,)

CIVIL ACTION NO.: 01-715

v.)

DR. ROBERT J. WHORTON, et al.)

Defendants.)



**FINAL ORDER AUTHORIZING SALE AND ISSUANCE OF
CLERK'S DEED**

This cause came on to be heard by the Court on May 14, 2002 on the complaint of Plaintiffs for a sale for division. Present at the hearing on this matter were W. L. Longshore, Jr. and W. L. Longshore, III for Plaintiffs Nancy W. Clark and Shirley E. Clark, Laurie B. Sharp for Defendant Robert J. Whorton and Vonda Felton as guardian ad litem for minor David James Chambers, minor Christopher Whorton Cook and Kathryn Ruth Kent (non compos mentis). After hearing the testimony and evidence presented at the trial of this matter, the Court hereby issues the following findings of fact:

FINDINGS OF FACT

1. That all the parties to this proceeding are over the age of nineteen (19) years and are of sound mind with the exceptions of the three persons represented by the guardian ad litem as noted above.

2. The property in question requesting to be sold for division is 167.9 acres situated in Shelby County, Alabama being described as follows:

From a 1/2-inch rebar at the SW corner of Section 4, Township 21 South, Range 1 East, run thence North along the West boundary of said Section 4 a distance of 1333.07 feet to a 1-inch pipe at the SW corner of the NW 1/4 of SW 1/4, according to sized said Section 4, being the point of beginning of

herein described parcel of land; thence continue along said course a distance of 1333.06 feet to a 1/2-inch pipe at the SW corner of the SW 1/4 of NW 1/4, according to said sized Section 4; thence continue along said course a distance of 1333.06 feet to a 1/2-inch rebar at the SW corner of the NW 1/4 of NW 1/4, according to said sized Section 4; thence continue along said course a distance of 666.54 feet to a 1/2-inch rebar that is 666.53 feet South of a 1/2-inch rebar at the NW corner of said Section 4; thence turn 89 degrees 41 minutes 47 seconds left and run 456.33 feet to a 1/2-inch rebar on the Easterly boundary of Shelby County Highway #55 (80-foot right of way); thence turn 128 degrees 44 minutes 54 seconds right and run 219.50 feet along said highway boundary; thence turn 00 degrees 23 minutes 06 seconds left and run 113.90 feet along said highway boundary; thence turn 02 degrees 09 minutes 07 seconds left 114.81 feet along said highway boundary; thence turn 06 degrees 06 minutes 26 seconds left and run 119.34 feet along said highway boundary; thence turn 05 degrees 43 minutes 11 seconds left and run 80.72 feet along said highway boundary; thence turn 02 degrees 09 minutes 50 seconds left and run 87.04 feet along said highway boundary; thence turn 01 degrees 55 minutes 28 seconds left and run 18.98 feet along said highway boundary to a 1/2-inch rebar at a point of intersection with the Southerly boundary of Shelby County Highway #48 (60-foot right of way); thence turn 71 degrees 42 minutes 49 seconds right and run 308.66 feet along said highway boundary to a 1/2-inch rebar; thence turn 87 degrees 41 minutes 13 seconds right and run 284.94 feet to a 1/2-inch pipe; thence turn 89 degrees 32 minutes 03 seconds left and run 1066.63 feet along a fence line to a 1/2-inch pipe on the East boundary of the NW 1/4 of the NW 1/4 according to said sized Section 4; thence run 89 degrees 33 minutes 59 seconds right and run 1000.65 feet to a 1/2-inch pipe at the NW corner of the SE 1/4 of the NW 1/4 according to said sized Section 4; thence turn 89 degrees 30 minutes 48 seconds left and run 1330.37 feet to a 1/2-inch pipe at the NE corner of the SE 1/4 of the NW 1/4, according to said sized Section 4; thence turn 89 degrees 31 minutes 43 seconds right and run 1335.31 feet to a 1/2-inch pipe at the NE corner of the NE 1/4 of the SW 1/4 according to said sized Section 4; thence continue along said course a distance of 333.83 feet to a 1/2-inch rebar; thence turn 90 degrees 31 minutes 56 seconds right and run 1329.93 feet to a 3/4-inch rebar; thence turn 90 degrees 32 minutes 51 seconds left and run 1000.64 feet to a 1/2-inch pipe at the SE corner of the NW 1/4 of the SW 1/4, according to said sized Section 4; thence turn 90 degrees 35 minutes 02 seconds right and run 1329.67 feet to the point of beginning of herein described parcel of land. Situated in the NW 1/4 and the North 1/2 of SW 1/4 of Section 4, Township 21 South, Range 1 East, and the NE 1/4 of the NE 1/4 of Section 5, Township 21 South, Range 1 East, Shelby County, Alabama.

According to survey of Sam W. Hickey, RLS #4848, dated February 5, 2002.

3. The title to this property is vested in the following persons or estates as tenants in common: the Estate of Leah Whorton Fuller, deceased, probate case number 38-195 in the

Probate Office of Shelby County, Alabama (as to an undivided one-fourth interest); the Estate of Ruby Whorton Woolley, deceased, probate case number 40-038 in the Probate Office of Shelby County, Alabama (as to an undivided one-fourth interest); Robert J. Whorton (as to an undivided one-fourth interest); and the Estate of Estelle Geneva Whorton, deceased, not probated (as to an undivided one-fourth interest). Estelle Geneva Whorton died in 1977, and her estate was never probated.

4. Estelle G. Whorton's heirs include individuals who were made defendants in this case and others who were not made defendants or subsequently dismissed as defendants who gave quit claim deeds to their interest in the property to Nancy W. Clark, as Executrix of the Estate of Ruby W. Woolley in order to transfer title to the property in a sale. Those heirs of Estelle Geneva Whorton who have given deeds to Nancy W. Clark as Executrix of the Estate of Ruby W. Woolley are Michael Drue Whorton, Ronnie Paul Whorton, James Donald Whorton, James R. Biddle, William R. Ray, Jr., Marshall Ray, Stanley Ray and Betty Haag. The remaining heirs of Estelle Geneva Whorton are either the plaintiffs or defendants in this action. Some of the named defendants are not direct heirs or descendants of Estelle G. Whorton, but are named in the will of William M. Whorton, Sr., deceased, (brother of Estelle G. Whorton) whose estate in Texas is still open, or are named in the will of Issac Whorton (deceased brother of Estelle Whorton) whose estate was closed in 1994. Those defendants are William M. Whorton, Jr., Betty Haag, Kathryn Kent, Christopher Whorton Cook and David James Chambers.

5. Attached as Exhibits 1 and 2 to this order are the Whorton Family Tree and Heirs of Estelle Geneva Whorton.

6. Plaintiffs' complaint requests the Court to approve a contract between plaintiffs and purchaser Karen Joines, said contract being attached to the complaint and is dated May 25, 2001. The contract has a purchase price of \$3,000.00 per acre. The survey of

Sam Hickey of the property dated February 5, 2002 indicates that there are 167.9 acres making the contract sales price \$503,700.00.

7. Based on testimony from appraiser Gregory S. Rushton, the contract sales price is at or higher than his opinion of the fair market or appraised value of the property. Further testimony was given by plaintiffs and Larry Cain, real estate agent, that the contract sales price was at or above the fair market value of the property. The Court hereby finds that the contract price is not below fair market value and is reasonable.

8. The Court finds that plaintiffs have incurred expenses in prosecuting this action totaling \$ 5795.27 for the survey of the property, appraisal of the property and other expenses for prosecution of this case.

9. Counsel for the plaintiffs have requested an attorneys' fee of 5% of the sales price of the aforesaid property, and have testified that they have spent over 100 hours on this case. Further testimony was given by attorney Sonny Conwill that said fee request was reasonable. The Court finds that the requested fee of 5% of the sales price is reasonable.

It is therefore **ORDERED, ADJUDGED, AND DECREED** by the Court:

1. That the real estate described here and above cannot be equitably divided or partitioned in kind between the tenants in common without a sale thereof.

2. That it is necessary that said real estate be sold for the purpose of making an equitable division of the proceeds between the tenants in common, and that it is in the best interest of the tenants in common that the real estate be sold for a division of the proceeds thereof.

3. That the contract entered into between plaintiffs and Karen Joines is reasonable and brings a reasonable fair market price to all of the owners of the property, and the Court

hereby approves, ratifies and confirms said contract and orders the Circuit Clerk of Shelby County, Alabama to execute a deed for all defendants to this action conveying the subject property to Karen Joines thereby conveying all the right, title and interest of the defendants in this action, in and to said real estate herein above described.

4. That at the closing of this contract, that plaintiffs be reimbursed their reasonable expenses in the amount of \$ 5795.27.

5. That the firm of Longshore, Buck & Longshore, P.C. be paid the sum of \$25,185.00 from the proceeds of the sale.

6. The court awards a guardian ad litem fee to Vonda Felton in the amount of \$ 1837.50 to be paid from the sales proceeds.

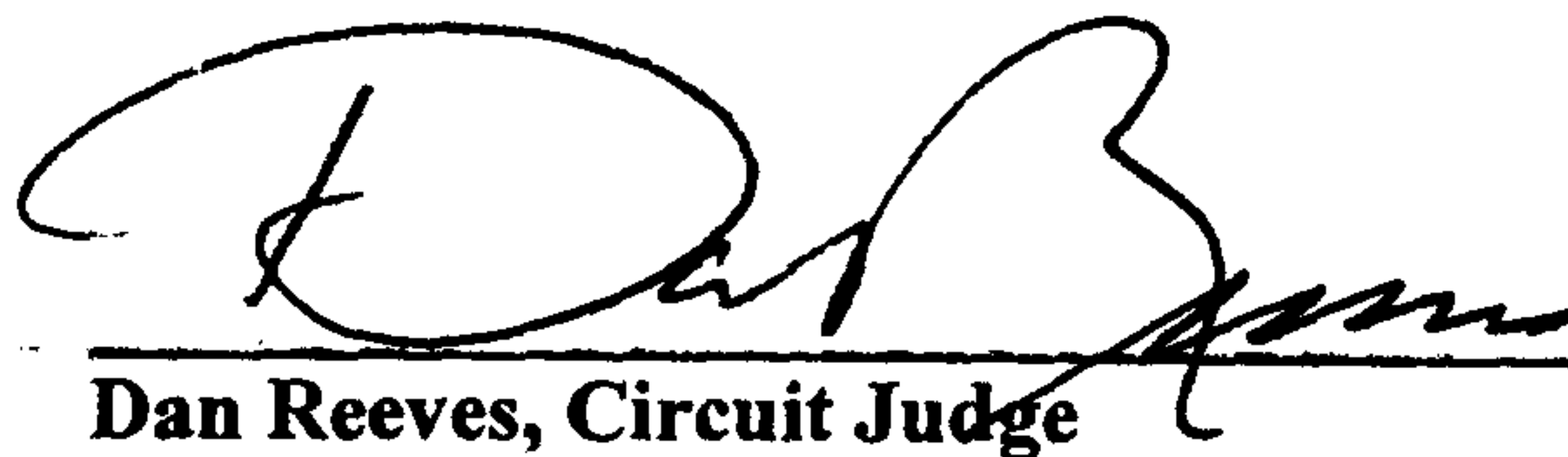
7. Once the above expenses and other closing costs per the contract are deducted from the sale proceeds, the owners of the property shall receive the following percentages of the net sale proceeds:

Robert J. Whorton	29.51 percent
Estate of Ruby W. Woolley	29.51 percent
Estate of Leah W. Fuller	29.51 percent
Estate of William M. Whorton, Sr.	3.57 percent
Betty Haag	.13 percent
William M. Whorton, Jr.	.13 percent
Kathryn Kent	.13 percent
William R. Ray, Jr.	1.97 percent
Marshall Ray	.63 percent
Stanley Ray	.63 percent
Carolyn Ray Lambert	.63 percent
Michael Drue Whorton	.61 percent

Ronnie Paul Whorton	.61 percent
James Donald Whorton	.61 percent
James Biddle	1.82 percent
TOTAL	100.00 percent

8. That court costs be taxed as paid.

Dated this 10th day of ^{June}~~May~~, 2002.


Dan Reeves, Circuit Judge