

IN THE CIRCUIT COURT OF
CHILTON COUNTY, ALABAMA

IN RE: THE ESTATE OF

CURTIS VERGIL JARVIS, SR.

Case No. CV-99-278-F

FILED IN
OFFICE OF
MIKE SMITH
CLERK
CHILTON CO.
JAN 20 2001
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CONSENT DECREE

This action was tried before the Court on the Plaintiff's Complaint on November 30, 2000, December 1, 2000, and January 11, 2001. These proceedings were conducted at the Autauga County Courthouse by agreement of the parties. The Plaintiff, Marion D. Dunlap, was represented by J. Myron Smith, the Estate was represented by John Hollis Jackson, Jr., Donna Lynn Epperson Jarvis was represented by Robert Bowers, Jr., and two minors, Kayla Epperson and DeWayne Jarvis, were represented by their Guardian-ad-Litem, Elizabeth Hilyer Moorhead.

The Court received over 80 exhibits including hundreds of documents, as well as testimony from 15 witnesses. The Plaintiff, Marion D. Dunlap, rested her case, and the Court denied Donna Lynn Epperson Jarvis's Motion for Directed Verdict on December 1, 2000. Defendant Donna Lynn Epperson Jarvis proceeded to call witnesses and introduce documentary

J. Myron Smith

evidence. A continuance was agreed upon after defense witness, Vicki Rowe, testified she witnessed the signature of Curtis Vergil Jarvis, Sr., to the original copy of Plaintiff's Exhibit No. 75.

The trial resumed on the morning of January 11, 2001; and the Court heard expert testimony by a handwriting examiner, Glenn McDaniel; however, before the case was submitted for judgment, the parties reached an accord and made numerous stipulations which were announced on the record and deemed by the Court to be sufficient to resolve all issues and do justice to all persons interested in the Estate of Curtis Vergil Jarvis, Sr.

NOW THEREFORE, in consideration of the pleadings, the evidence and testimony received by the Court and the stipulations of the Plaintiff, Marion D. Dunlap, and the Defendant, Donna Lynn Epperson Jarvis, and the Estate, it is hereby Ordered, Adjudged and Decreed as follows:

1. Marion D. Dunlap and the deceased, Curtis Vergil Jarvis, Sr., were married by common law no later than the year 1989, and cohabited continuously at Maplesville, Alabama, for approximately five years and were never divorced.

2. The marriage ceremony between Curtis Vergil Jarvis, Sr., and Donna Lynn Epperson performed at the Bibb County Courthouse on June 1, 1995, and the Certificate of Marriage issued by the Probate Court of Bibb County, Alabama, to Curtis Vergil Jarvis, Sr., and Donna Lynn Epperson are both void because Curtis Vergil Jarvis, Sr., lacked the capacity to contract marriage due to his preexisting common-law marriage to Marion D. Dunlap.

3. Marion D. Dunlap is the surviving spouse and widow of Curtis Vergil Jarvis, Sr.

4. The four children of Curtis Vergil Jarvis, Sr., are Curtis Vergil Jarvis, Jr., Claire Tavel, Kayla Epperson and DeWayne Jarvis.

5. A copy of this Decree shall be supplied to the Alabama Bureau of Vital Statistics and to the Probate Judge of Bibb County, Alabama.

6. Curtis Vergil Jarvis, Sr., died intestate and was a resident of Chilton County, Alabama. The 15-page document written by Vicki Rowe and introduced into evidence as "Plaintiff's Exhibit 76" is not a Will. Vicki Rowe testified that Curtis Vergil Jarvis, Sr., did not intend for the Exhibit to have any legal effect. No person interested

in this Estate has contended that said Exhibit is a Will. Furthermore, the Court specifically finds from the testimony of handwriting expert, Glenn McDaniel, and its own review of known signatures of Curtis Vergil Jarvis, Sr., that said Exhibit does not bear the signature of Curtis V. Jarvis, Sr., and that the signature on the Exhibit is a poor attempt at a forgery of the deceased's signature. This Exhibit is to remain a permanent part of the Court's file. All other exhibits may be withdrawn by the party who offered them.

7. Vicki Rowe has never had a common-law marriage with Curtis Vergil Jarvis, Sr., and is not a creditor of the Estate of Curtis Vergil Jarvis, Sr., and is not an heir of the Estate.

8. All money claims filed against the Estate by Marion D. Dunlap are hereby allowed, except for (a) claim number 4 for \$1,600.00, (b) claim number 3 for \$400.00, and (c) claim number 2 for \$1,500.00 which are hereby denied. The claim filed by Curtis V. Jarvis, Jr., for funeral expenses is allowed.

9. Donna Lynn Epperson Jarvis is hereby instructed to file an itemized claim for any livestock feed she provided

to livestock owned by the Estate of Curtis Vergil Jarvis, Sr.

10. The stipulation of Donna Lynn Epperson Jarvis that she desires to resign her appointment as Personal Representative and forego her claim to a surviving spouse's share of the Estate is well taken and her Letters of Administration are hereby withdrawn. Donna Lynn Epperson Jarvis is therefore Ordered to file her Petition for Settlement of her actions concerning the Estate of Curtis Vergil Jarvis, Sr., and should disclose any assets of the Estate of Curtis Vergil Jarvis, Sr., which are not listed among the inventoried items listed by the appraisers appointed by the Probate Court, and an accounting of all receipts and disbursements.

11. Marion D. Dunlap is hereby awarded sole title to all items of personalty claimed in her Complaint, exhibits and her testimony.

12. Marion D. Dunlap is hereby appointed the (successor) Personal Representative of the Estate of Curtis Vergil Jarvis, Sr., and Letters of Administration shall be issued upon her filing of a surety bond in the amount of \$50,000.00.

13. Donna Lynn Epperson Jarvis is hereby Ordered to surrender possession of all Estate properties to Marion D. Dunlap as successor Personal Representative promptly after Letters of Administration are issued to Marion D. Dunlap.

14. The Defendant's counsel, Robert Bowers, Jr., is hereby allowed an attorney's fee of \$3,500.00 out of the Estate. An expert witness fee not to exceed \$600.00 for Glenn McDaniel is hereby allowed and taxed as costs. All costs of this litigation are taxed against the Estate, and the Estate shall reimburse all parties who have incurred prepaid court costs. The Court reserves consideration of attorney fees for the Guardian-ad-Litem, the Estate's Attorney and the Plaintiff's Attorney, and will consider any interim claims for fees and expenses which such attorneys may desire to file.

15. It is in the best interests of the heirs of Curtis Vergil Jarvis, Sr., and the creditors of the Estate that the assets of the Estate be liquidated; therefore, it is hereby Ordered, Adjudged and Decreed that Marion D. Dunlap be and is authorized, upon her filing of her bond and receipt of Letters of Administration, to proceed without further leave

of Court to liquidate all real and personal property of the Estate.

16. Marion Dunlap is hereby barred from hereafter presenting any claims for money damages against Donna Lynn Epperson Jarvis due to malfeasance or misfeasance in matters heretofore disclosed by her pleadings or testimony received by this Court, such prohibition against pursuit of such claims does not apply to inventory of accounting issues which have not yet been filed by Donna Lynn Epperson Jarvis or otherwise disclosed in her pleadings or her trial testimony.

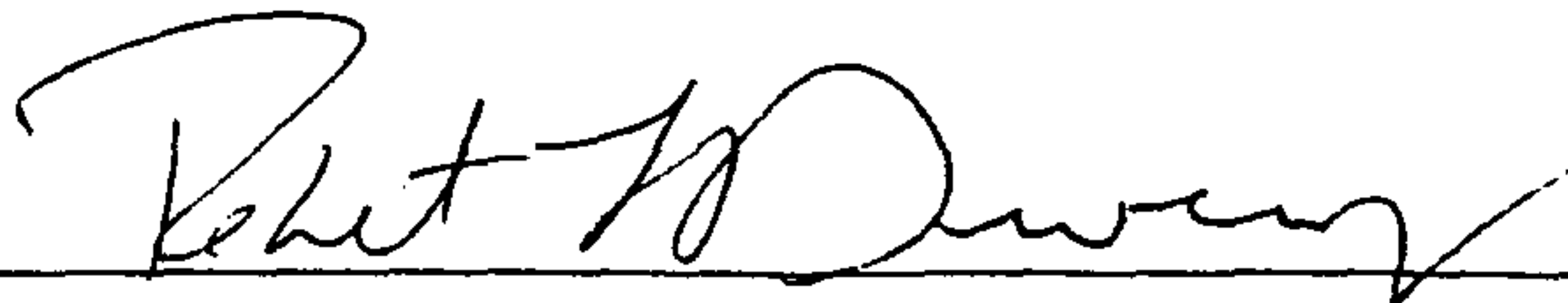
17. Further proceedings in this action will be conducted at the Chilton County Courthouse in Clanton, Alabama.


DONE this the 10th day of July, 2001.



BEN A. FULLER, CIRCUIT JUDGE

FORM APPROVED BY:


J. MYRON SMITH, ATTORNEY FOR
MARION D. DUNLAP


ROBERT BOWERS, JR., ATTORNEY FOR
DONNA LYNN EPPERSON JARVIS


JOHN HOLLIS JACKSON, JR., ATTORNEY
FOR THE ESTATE OF CURTIS VERGIL
JARVIS, SR.


ELIZABETH MILYER MOORHEAD,
GUARDIAN-AD-LITEM FOR KAYLA
EPPERSON AND DEWAYNE JARVIS

I, Mike Smith, Clerk of the Circuit Court of Chilton County, Alabama,
do hereby certify that the within and foregoing is a true and correct copy,
of Consent Decree in Case No. CV-99-228F dated
this the 25 day of Feb, 2004
Mike Smith
Clerk of Court MS

