

IN THE PROBATE COURT OF ELMORE COUNTY, ALABAMA

IN RE:

Case No. 2003-409

THE ESTATE OF FRED SAM NOE, deceased

ORDER ALLOWING SALE OF REAL PROPERTY

This matter coming before the Court on the Petition of the Executrix to allow her to sell certain real property belonging to the said Estate, being described as, to-wit:

That part of the Southwest 1/4 of the Northeast 1/4 of Section 15, Township 21 South, Range 2 West lying South of Saginaw Cut-off Highway (Alabama State Highway No. 26), Shelby County, Alabama, less and except the following: Begin at the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of Section 15, Township 21 South, Range 2 West, Shelby County, Alabama and run thence Westerly along the South line of said 1/4-1/4 a distance of 730.09 feet to a steel pin corner, thence turn an angle of 78 degrees 31 minutes 00 seconds right and run Northwesterly a distance of 484.89 feet to a steel pin corner set on the South right-of-way line of Shelby County Highway No. 26 in a curve to the left having a central angle of 6 degrees 45 minutes 36 seconds and a radius of 1460.45, thence turn an angle of 84 degrees 23 minutes 24 seconds right to chord and run along chord of said curve a distance of 172.21 feet to the point of tangent of said curve, thence continue along the tangent of the said South right-of-way line of said Highway 26 a distance of 686.59 feet to a point, thence turn an angle of 109 degrees 03 minutes 54 seconds right and run Southerly along the East line of said quarter-quarter a distance of 766.12 feet to the point of beginning; being situated in Shelby County, Alabama.

The Court finds that:

1. Upon the consideration of the Petition, the Waivers of Notice and Consents to The Petition filed by each of the next of kin, evaluation of the appraisal submitted by Petitioner, and affidavit testimony offered as to the ownership of said real property, the configuration and improvements located thereon, the pending claims, exemptions, and allowances, and the number of heirs-at-law involved, and, the Waiver of Notice and Consent filed by the Guardian Ad Litem, Roderick Perdue, on behalf of the minor child,

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED as follows:

1. That the said real property hereinabove described can be

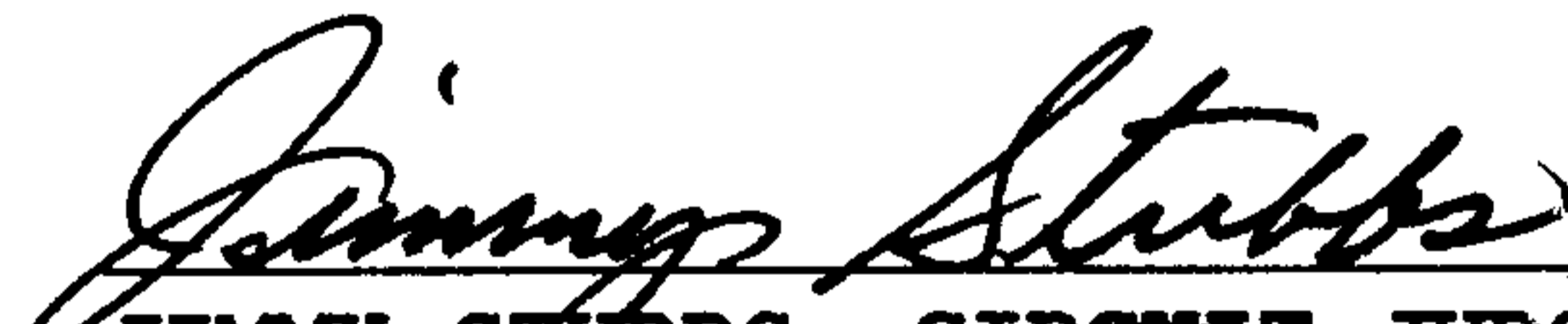
sold and the proceeds from such sale to be held in escrow by Jefferson Title Corporation until any and all valid claims, if any, have been made against the Estate within the time allowed by law, and thereafter such proceeds to be paid over to the Executrix for final settlement of the estate.

2. The Executrix is hereby granted the power and authority to sell all such hereinabove described real property belonging to the Estate of Fred Sam Noe without further Order of this Court, and to pay such costs of sale, including a real estate sales commission, and such closing costs as may be necessary and reasonable, including, but not limited to, a reasonable escrow fee.

3. The Executrix shall within thirty days make a report of the sale to the Court and that the purchase money has been paid. After examination of the report but not within ten days of such report, should the Court be satisfied with the sale, the Court will issue an order confirming the sale.

Costs to be taxed against the Estate, for which let execution issue.

DONE this the 11th day of May, 2004.


JIMMY STUBBS, CIRCUIT JUDGE
Probate

IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

IN RE:

Case No. 2003-409

THE ESTATE OF FRED SAM NOE, deceased

WAIVER OF NOTICE AND CONSENT TO PETITION TO SELL REAL PROPERTY

JANA MELINDA NOE hereby waives notice of the filing of the Petition to Sell Estate Real Property described as Highway 26, Saginaw, Shelby County, Alabama, pursuant to the terms of a written Sales Agreement, for the sum of \$120,000.00, by Myra Lacey, as Executrix of the Estate of Fred Sam Noe, deceased, and hereby waives all other and further notice thereof, either by publication or otherwise, and does further hereby enter her appearance in Court. Further, the undersigned consents to such sale of the real property and waives any hearing on this matter.

Dated this, the 5 day of May, 2004.

Nelson Dawn McCartney
Witness

Jana Melinda Noe
Jana Melinda Noe
Jana

Jamie O're
Witness

STATE OF ALABAMA *
COUNTY OF Shelby *

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that JANA MELINDA NOE, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

May GIVEN under my hand and official seal this the 5 day of May, 2004.

[Signature]
NOTARY PUBLIC

(SEAL)

My commission expires: Feb 13, 2008

IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

IN RE:

Case No. 2003-409

THE ESTATE OF FRED SAM NOE, deceased

WAIVER OF NOTICE AND CONSENT TO PETITION TO SELL REAL PROPERTY

ROBERT FERRELL NOE hereby waives notice of the filing of the Petition to Sell Estate Real Property described as Highway 26, Saginaw, Shelby County, Alabama, pursuant to the terms of a written Sales Agreement; for the sum of \$120,000.00, by Myra Lacey, as Executrix of the Estate of Fred Sam Noe, deceased, and hereby waives all other and further notice thereof, either by publication or otherwise, and does further hereby enter his appearance in Court. Further, the undersigned consents to such sale of the real property and waives any hearing on this matter.

Dated this, the 5 day of May, 2004.

Melanie Dawn McCoy
Witness

Robert Ferrell Noe
Robert Ferrell Noe

Janice Ows
Witness

STATE OF ALABAMA *
COUNTY OF Shelby *

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that **ROBERT FERRELL NOE**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

May GIVEN under my hand and official seal this the 5 day of May, 2004.

Shirley Rose
NOTARY PUBLIC

(SEAL)

My commission expires: Feb 13, 2008

IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

IN RE:

Case No. 2003-409

THE ESTATE OF FRED SAM NOE, deceased

WAIVER OF NOTICE AND CONSENT TO PETITION TO SELL REAL PROPERTY

MELANIE DAWN MCCARTNEY hereby waives notice of the filing of the Petition to Sell Estate Real Property described as Highway 26, Saginaw, Shelby County, Alabama, pursuant to the terms of a written Sales Agreement, for the sum of \$120,000.00, by Myra Lacey, as Executrix of the Estate of Fred Sam Noe, deceased, and hereby waives all other and further notice thereof, either by publication or otherwise, and does further hereby enter her appearance in Court. Further, the undersigned consents to such sale of the real property and waives any hearing on this matter.

Dated this, the 5 day of May, 2004.

Jamie Joe
Witness

Melanie Dawn McCartney
Melanie Dawn McCartney

Robert Todd Tate
Witness

20040518000261860 Pg 5/5 23.00
Shelby Cnty Judge of Probate, AL
05/18/2004 10:30:00 FILED/CERTIFIED

STATE OF ALABAMA *
COUNTY OF Shelby *

I, the undersigned authority, a Notary Public in and for said County and State, hereby certify that MELANIE DAWN MCCARTNEY, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

May GIVEN under my hand and official seal this the 5 day of May, 2004.

[Signature]
NOTARY PUBLIC

(SEAL)

My commission expires: Feb 13, 2008