

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

ROBERT WOODSON; FLORA LEE LACEY;
HENRY LEE WOODSON; MARILYN
ROBERTA ALLEN; SHIRLEY ANN LILY;
CAROLYN ANNETTE WASHINGTON; AND
LINDA MARIE HERNDON;

PLAINTIFFS

VS.

CIVIL ACTION NO. CV-01-1321

CHRISTINE L. JEMISON; FRED LACEY;
TRACEY LACEY; LARRY LACEY; DARLENE
TOWNSEND; WILLIE LACEY; TYLER
FAIRBANKS; TIM FAIRBANKS, A MINOR;
AND ANNETTE TAYLOR PEARSON; ET AL;

DEFENDANTS



ORDER OF COURT

This cause coming on to be heard on the 11th day of August, 2003, after proper notice to the parties, and the plaintiffs or their representatives, appearing in Court with their attorney of record, Clint C. Thomas, and defendant Annette Taylor Pearson appearing in Court pro se, and the remaining defendants and counter-claimants appearing in Court with their attorney of record, J. Frank Head, and attorney Ramona J. Morrison having been appointed as Guardian ad Litem to protect and defend the interests of Tim Fairbanks, a minor, and the Guardian ad Litem appearing in Court with the said minor, and the parties having presented testimony and evidence in support of their claims, and upon consideration thereof, the Court finds and orders as follows:

1. That the plaintiffs, Robert Woodson, Flora Lee Lacey, Henry Lee Woodson, Marilyn Roberta Allen, Shirley Ann Lily, Carolyn Annette Washington and Linda Marie Herndon, and defendant Annette Taylor Pearson, claim ownership of the following described property, situated in Shelby County, Alabama, to-wit:

Three acres, more or less, in the NE corner of the NW 1/4 of the SE 1/4 of Section 5, Township 24, Range 14 East, Shelby County, Alabama.

The said property is currently being assessed by the Shelby County Tax Assessor's office as Parcel ID No. 35-3-05-0-001-031, but the aerial photograph introduced into evidence shows that the driveway and structures identified as being a part of said property are actually located to the West of the assessed property.

2. That the defendants, Christine L. Jemison, Fred Lacey, Tracey Lacey, Darlene Townsend, Willie Lacey, Tyler Fairbanks, and Tim Fairbanks, a minor, also being the counter-claimants herein, claim ownership of the following described property, situated in Shelby County, Alabama, to-wit:

1 A land bound E by Henry Doak and N by Chas. Edwards, W by Hard Lot S by Jim Carlton land 70 yds. Sq. Sec. 5, Tp 24, R 13 E, 1 A.

The driveway and structures identified as the property of the said defendants and counter-claimants are shown by the aerial photograph to be on a part of property assessed by the Shelby County Tax Assessor's office as Parcel ID No. 35-3-05-0-001-031, and otherwise. The said defendants and counter-claimants also claim ownership of all property they and/or their predecessors in title have adversely possessed.

3. That the defendants and counter-claimants, Christine L. Jemison, Fred Lacey, Tracey Lacey, Larry Lacey, Darlene Townsend, and Willie Lacey, are all of the children of William Fred Lacey, deceased, and wife, Katie L. Lacey, deceased, except for Mary Ann Fairbanks, deceased, whose children are Tyler Fairbanks and Tim Fairbanks, a minor, and are defendants and counter-claimants in this cause, as well. The said William Fred Lacey purchased the disputed property in February, 1958, and shortly thereafter constructed a house, and moved onto the property with his wife and children. Mr. and Mrs. Lacey thereafter built a second and third house on the subject property wherein various family members lived. Mr. and Ms. Lacey also built an out-building on the property, which still exists, and which was used by them. Mr. and Mrs. Lacey also built a smokehouse and garage on the property, which still exists, and which was used by them, and had an outhouse which still remains on the property. Mr. and Mrs. Lacey had gardens each year on the property from the time they moved thereon, until at least the latter 1980's, and had fruit trees, and had a pond that was used for fishing. William Fred Lacey died while living on the property in 1989, and Katie L. Lacey died while living on the property in February 2001. The property is bounded on two sides by a public road (being Shelby County Highway 227 South), with fencing along parts thereof. The subject property is also fenced across a portion of another side.

4. That the Court finds from clear and convincing evidence that the said defendants (not including Annette Taylor Pearson), who are identified as counter-claimants, and their predecessors in title, have maintained actual, exclusive, open, notorious and hostile possession of the disputed property under a claim of right, with color of title, for more than 20 years prior to the filing of this lawsuit, and in fact, for a period of more than 40 years, and are the owners of the disputed property which they have possessed.

5. That the Court finds that the defendant, Annette Taylor Pearson, has a one-half interest in the property heretofore

identified and claimed by the plaintiffs, which is adjacent to that of the other defendants and counter-claimants. According to the testimony of Ms. Pearson, who spent time growing up on the adjacent property, the parties and their predecessors in title recognized the boundary line as being a short distance below a well at a location in a now somewhat semi-wooded area. The Court finds this to be the boundary line between the property of the plaintiffs and defendant Annette Taylor Pearson, and the property of the remaining defendants and counter-claimants.

6. That the Court herewith appoints Sid Wheeler, an Alabama licensed surveyor, to survey the boundary line and determine a metes and bounds description thereof. The parties and/or their attorneys, shall meet with the surveyor, and identify the location of the boundary line, as recognized by the defendants and counter-claimants, and defendant Annette Taylor Pearson. The Court will assess the cost of surveying the boundary line equally between the plaintiffs and defendants.

7. That the Court finds the plaintiffs are the owners of the following described property, which is located on the opposite side of the road (Shelby County Highway 227 South) from that of the defendants and counter-claimants, and is the property where plaintiff Robert Woodson has his home, which is more particularly described by deed as follows:

A parcel of land situated in Section, Township 24, Range 13 East, Shelby County, Alabama, more particularly described as follows: Beginning at the SW corner of Estelle Hale and Gussie Hale on a certain public road, and run South 210 feet; thence East 210 feet; thence North 210 feet; thence West 210 feet to the point of beginning.

The above property is generally identified as Parcel No. 35-3-05-0-001-028 according to the Shelby County Tax Assessor's office.

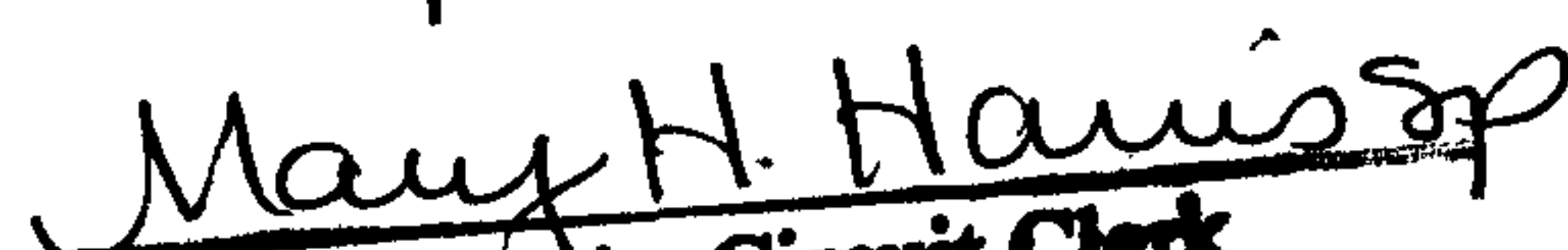
8. That this matter is hereby re-scheduled for 12-15-03 at 9:00 o'clock A.M. for the Court to receive and review the survey and report of the Court-appointed surveyor, and to consider any objections by the parties to the surveyed line.

Done and ordered this 30th day of September, 2003.



Dan Reeves
Circuit Judge

Certified a true and correct copy
Date: 2/22/05


Mary H. Harris, Circuit Clerk
Shelby County, Alabama