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Shelby Cnty Judge of Probate, AL
03/21/2005 02:15:19PM FILED/CERT

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF)
CHARLES L. MILLER,)
Deceased)
MARY S. KILLINGSWORTH,)
Plaintiff,)
VS.)
JENNIFER DURETT,)
Defendant.)

Case Number: CV-2004-~~793~~ 793

RECEIVED AND FILED
MARY H. HARRIS

MAR 07 2005

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.

DEFAULT JUDGMENT

This matter having come before the Court for hearing on February 28, 2005, upon Plaintiff's Complaint filed pursuant to Alabama Code Section 12-11-60 (1975), as amended, for the purpose of correcting an error or inadvertence in the administration of the estate of Charles L. Miller, deceased; and Plaintiff having been present in open Court with her attorney of record; and Defendant, Jennifer Durett, having failed to answer Plaintiff's Complaint after having been served with Summons and Complaint, or to appear for the scheduled hearing, after having received notice of same; the Court proceeded to hear testimony and receive evidence from Plaintiff in regard to said cause; and following such hearing, the Court does find that Plaintiff's requested relief is due to be granted.

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

1. The Court has determined that the Quit Claim Deed which conveyed a portion of decedent's real property to Mary S. Killingsworth, as grantee, wherein, Jennifer Durett and Cheryl L. Miller were grantors, inadvertently omitted the legal description of certain other real property maintained within decedent's estate (said deed having been recorded in the office of the Probate Judge, Shelby County, Alabama, at Instrument #2003-786230); and the deed from Mary S. Killingsworth as Personal Representative of said decedent's estate to Mary S. Killingsworth, individually, as grantee therein, also inadvertently omitted such legal description of additional real property maintained by decedent's estate (said deed having been recorded in the office of the Probate Judge, Shelby County, Alabama, at Instrument #2003-786240); and the real property

Mitchell Spear

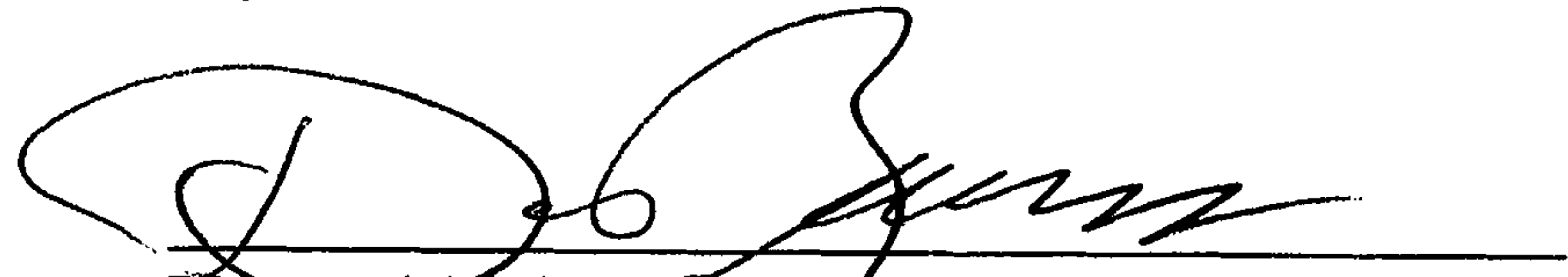
which was inadvertently omitted from the legal descriptions of said deeds is not attributable to any fault of Plaintiff; and said omitted real property is hereinafter described, as follows:

A tract of land situated in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 22 South, Range 2 West, more particularly described as follows: Commence at the southeast corner of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Township 22 South, Range 2 West; thence N $0^{\circ} 24' 30''$ W, 326.62 feet along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section to the point of beginning; thence N $89^{\circ} 50'$ W, 200.05 feet; thence N $0^{\circ} 24' 30''$ W, 326.62 feet; thence S $89^{\circ} 50'$ E, 200.05 feet to the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence S $0^{\circ} 24' 30''$ E, 326.62 feet to the point of beginning.

2. Pursuant to the terms of agreement of the parties, as represented by exhibits submitted to the Court for review, Defendant, on or about December 3, 2003, agreed that Plaintiff would be conveyed the above described real property, in lieu of an administrator's fee. Consequently, this Court does hereby declare that Mary S. Killingsworth is hereby awarded all right, title and interest in and to the above described real property, and that Jennifer Durett is hereby divested of any and all right, title or interest therein. The Court further recognizes the fact that Cheryl F. Miller, on or about June 11, 2004, conveyed all of her right, title and interest in and to said property to Plaintiff, pursuant to deed recorded in the office of the Probate Judge, Shelby County, Alabama at Instrument #2004-370910. Thus, Plaintiff is hereby declared to be the record title owner of all right, title and interest in and to the above described real property.

3. Court costs are hereby taxed against the Defendant, Jennifer Durett, for which execution may issue.

DONE and ORDERED this 3rd day of March, 2005.


Honorable G. Daniel Reeves
Circuit Judge

Certified a true and correct copy
Date March 21st 2005

Mary H. Harris juv.
Clerk of Court
Shelby County, Alabama