

IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

MICHELLE BAKER

Plaintiff,

vs.

JON BURT PATRICK and DAWN G. PATRICK,

Defendants.

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) CASE NO. PR-2004-000592
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)
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ORDER

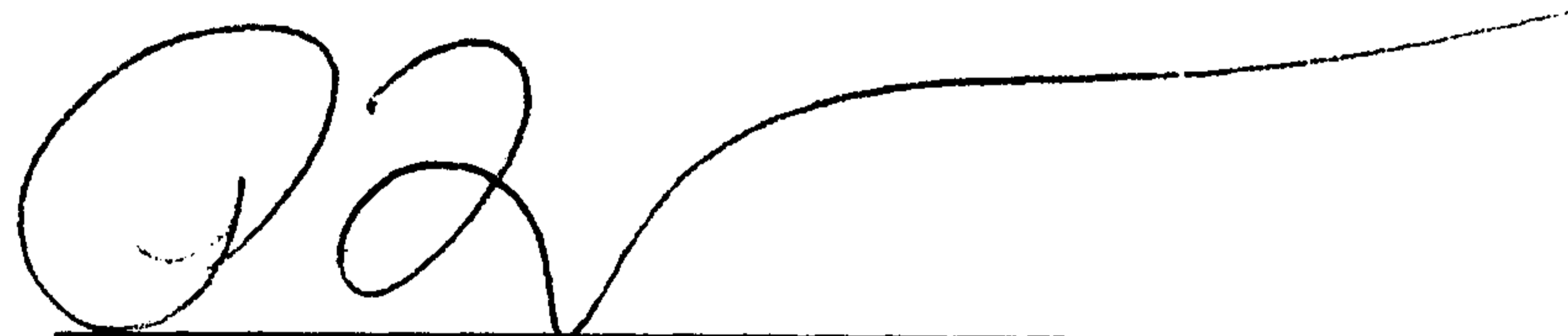
This cause coming on to be heard on the 1st day of March, 2005, and being present in open Court were the Plaintiff, Michelle Baker, William W. Sellers, the Plaintiff's attorney; T. D. Norman, witness for the Plaintiff; and Jon Burt Patrick, the Defendant, (said Defendant representing himself). Dawn G. Patrick did not appear. And Jon Burt Patrick, after being instructed by the Court, that if he chose to represent himself, he would be held to the same standard as if he were represented by counsel, and Mr. Patrick understanding and agreeing to same, testimony was taken from Michelle Baker, T. D. Norman, and from the Defendant, Jon Burt Patrick. It being determined by testimony that the Defendant, Jon Burt Patrick, recognizes and agrees that the Plaintiff, her heirs and assigns, do have the unquestioned and undisputed permanent right to use existing roads across the lands of the Defendant for access to the lands of the Plaintiff under the law and rights of prescriptive easement, said access being described as said easement beginning at the end of Brown Road, thence proceeding in a southeastward direction along the existing dirt road, to the first road bearing to the left, or in the alternative, to the new road shown on Exhibit C, then proceeding along said road to the intersection of another woods road which runs due

north, then proceeding along that road until intersecting the south line of the Plaintiff's property, (see Exhibit C, attached hereto, and made a part hereof) then,

The Court exercising equity jurisdiction concurrent with that of the Circuit Court, it is hereby ORDERED, ADJUDGED, AND DECREED, that the Plaintiff, her heirs and assigns, are hereby found to possess, by prescriptive right, an unrestricted, permanent easement, 30 feet in width, across the lands of the Defendants to the Plaintiff's property, said easements being described as: Beginning at the end of Brown Road, thence proceeding in a southeastward direction along the existing dirt road, to the first road bearing to the left, or in the alternative, to the new road shown on Exhibit C, then proceeding along said road to the intersection of another woods road which runs due north, then proceeding along that road until intersecting the south line of the Plaintiff's property. (See Exhibit C, attached hereto, and made a part hereof); provided, however, that any portion of said road located on property not owned by Defendants, is not subject to this decree. There being an agreed finding that Plaintiff possesses a prescriptive right of way, her complaint for condemnation is denied.

Costs of Court are taxed to the Plaintiff.

DONE and ORDERED this 1st day of April, 2005.



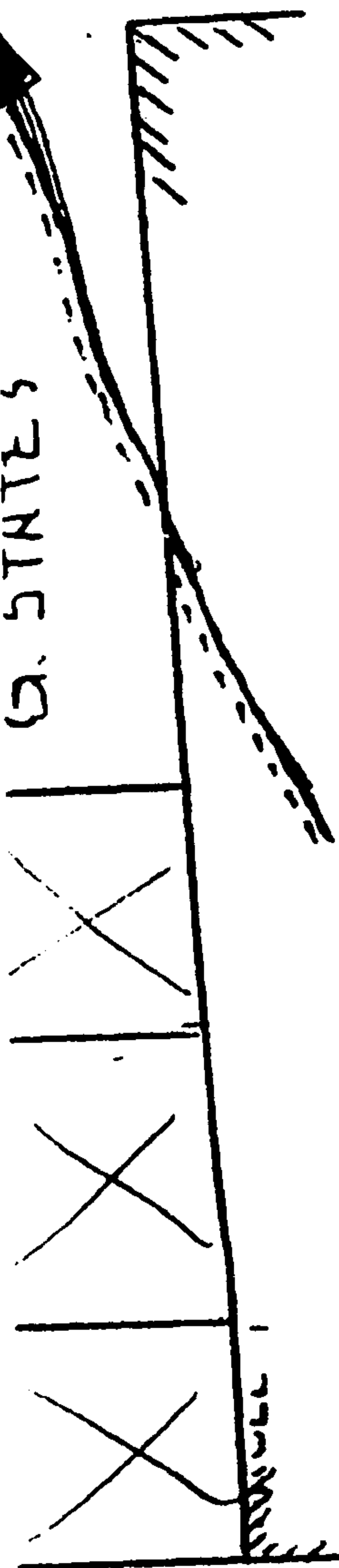
PATRICIA YEAGER FUHRMEISTER
Judge of Probate

cc: William W. Sellers, Esq.
Jon Burt Patrick
Dawn G. Patrick

Exhibit "C"

P.4

GULF STATES



All that part of the Northwest Quarter of Section 16 and all that part of the Southeast Quarter of the Northeast Quarter of Section 17 all lying east of Shelby County Highway # 42, an 80' right-of-way, all in Township 22 South, Range 1 West.

Containing 159.1 acres, more or less.

DRAKE-BAKER

CONCRETE MONUMENT FOUND
NE CORNER
NE 1/4 OF THE NW 1/4
SEC 16, T 22S, R10 W
SHELBY COUNTY, ALABAMA
(LOCALLY ACCEPTED)

GATE # 2

GULF STATES

S 087°54' E 2649.21

IRON PIN SET
SE CORNER OF THE
SE 1/4 OF THE NW 1/4
SEC 16, T 22S, R10 W
SHELBY COUNTY, ALABAMA
(RE-ESTABLISHED FROM SURVEY)

G.S. ROAD

BAKER ACCESS

1/4" REBAR

NE-NW

PATRICK

PARCEL 1
159.1 acres

ABANDONED OLD HI 42

SE-NW

GATE # 3

ZELTZ

BROWN RD.

IRON PIN FOUND
NW CORNER OF THE
NW 1/4 OF THE NW 1/4
SEC 16, T 22S, R10 W
SHELBY COUNTY, ALABAMA
(LOCALLY ACCEPTED)

U.G. HARRIS
BROWN RD. PRIVATE
G.S. ROAD

U.G. HARRIS

IRON PIN FOUND OF THE
SW CORNER OF THE
NW 1/4 OF THE NW 1/4
SEC 16, T 22S, R10 W
SHELBY COUNTY, ALABAMA
(LOCALLY ACCEPTED)

NEW '03

SW-NW

CLOSED '03

SE-NE

L 2

OPEN TOP PIPE FOUND

TO: 17708048544

2056211907



20050418000180080 3/3 \$17.00
Shelby Cnty Judge of Probate, AL
04/18/2005 09:51:03AM FILED/CERT

JUL-16-03 12