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Shelby Cnty Judge of Probate, AL
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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CIVIL ACTION NO.: CV-04-258

RECEIVED AND FILED
MARY H. HARRIS

AUG 30 2005

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.

CHELSEA ONE, L.L.C., an Alabama limited liability company,

Plaintiff,

v.

A PARCEL OF LAND situated in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 20 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the NE Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 20 South, Range 1 West; thence S $87^{\circ}47'41''$ W, a distance of 182.37' to the POINT OF BEGINNING; thence S $87^{\circ}47'21''$ W, a distance of 955.46'; thence S $67^{\circ}03'48''$ W, a distance of 25.25'; thence S $53^{\circ}12'35''$ W, a distance of 24.38'; thence N $88^{\circ}59'55''$ E, a distance of 458.00'; thence S $89^{\circ}10'38''$ E, a distance of 136.83'; thence N $88^{\circ}39'25''$ E, a distance of 163.28'; thence N $89^{\circ}43'30''$ E, a distance of 300.89' to the point of curve of a non tangent curve to the left, of which the radius point lies S $39^{\circ}58'37''$ W, a radial distance of 2,825.08'; thence northwesterly along the arc, through a central angle of $01^{\circ}36'18''$, a distance of 79.14' to the POINT OF BEGINNING.

Containing 36,491 square feet or 0.8 acres, more or less.

And

STANLEY SMITH, an individual, and DELPHIA SMITH, et al.

Defendants.

FINAL JUDGMENT FIXING BOUNDARY LINE

This is a statutory boundary line action brought pursuant to Code of Alabama, 1975, § 35-3-1, et seq. This case was called for trial on August 15, 2005 at 9:00 AM. Present in court were Mike Strong, a member of Chelsea One, LLC, and James W. Fuhrmeister, Esq., attorney of record for the plaintiff, representing the plaintiff, Stanley Smith, one of the defendants, and Jesse P.

Evans, III, Esq., attorney of record for the defendants, representing the defendants, and Jeffery G. Hester, Esq., court appointed *Guardian ad litem*.

After hearing the arguments of the attorneys and examining the survey of Sam W. Hickey dated May 8, 2001, the Final Plat of Lime Creek at Chelsea Preserve recorded in the Office of the Probate Judge of Shelby County, Alabama at Map Book 32, page 25, and the Map of Eagle Farms recorded in the Office of the Probate Judge of Shelby County, Alabama at Map Book 9, page 109 the Court was informed that the parties reached an agreement in this case. The agreement was recited into the record by the attorneys for the parties.

Having considered the pleadings, the arguments of the parties, the aforementioned survey and maps and the agreement of the parties, the Court FINDS:

- (A) The Court has jurisdiction of the parties, the case and the subject matter of this cause; and
- (B) Plaintiff Chelsea One, LLC or plaintiff's successors in title own the real property describe on the Final Plat of Lime Creek at Chelsea Preserve as recorded in Map Book 32, page 25 in the Office of the Probate Judge of Shelby County, Alabama; and
- (C) Defendants Stanley Smith and Delphia Smith own the real property described as Lot 6 according to the Survey of Eagle Farms as recorded in Map Book 9, page 109 in the Office of the Probate Judge of Shelby County, Alabama; and

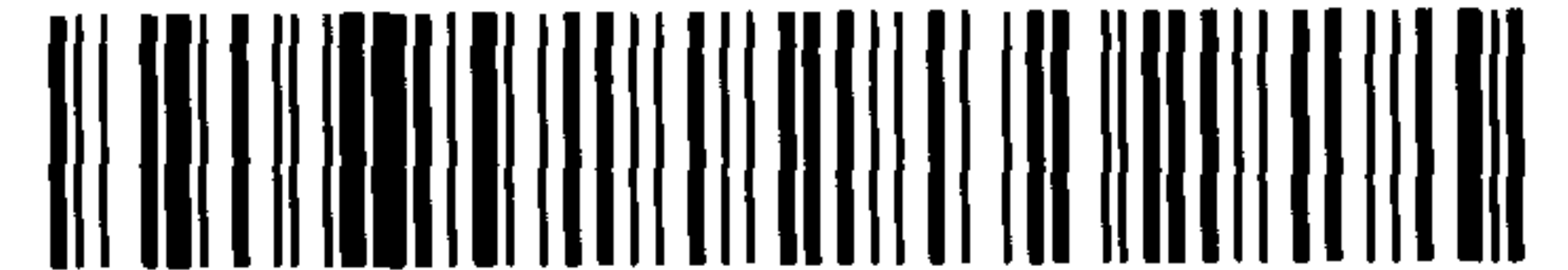
(D) A dispute exists as to the true common boundary line of said properties, said dispute having now been resolved by agreement of the parties.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that:

1. There is a common boundary line between plaintiff's real property and defendants' real property, to wit: the North boundary line of Lime Creek at Chelsea Preserve is the North boundary line as depicted on the Final Plat of Lime Creek at Chelsea Preserve as recorded in Map Book 32, page 25 in the Office of the Probate Judge of Shelby County, Alabama which is a common boundary line with the South boundary line of Eagle Farms subdivision as depicted on the Survey of Eagle Farms as recorded in Map Book 6, page 109 in the Office of the Probate Judge of Shelby County, Alabama.

2. The Court makes no finding and is not determining the relationship between the common boundary line fixed herein and the Section line between Section 8 and Section 17 in Shelby County, Alabama.

3. Pursuant to the agreement of the parties as recited in open court, the Court further orders the plaintiff to provide for storm water runoff from plaintiff's subdivision by digging a ditch that will direct the water from plaintiff's pipe under the Lime Creek subdivision entrance along a route roughly parallel to Shelby County Highway 69 to an agreed upon point on defendants' property (Lot 6, Eagle Farms) that has been marked by the parties with orange paint. The plaintiff shall complete this work within thirty (30) days, weather permitting.



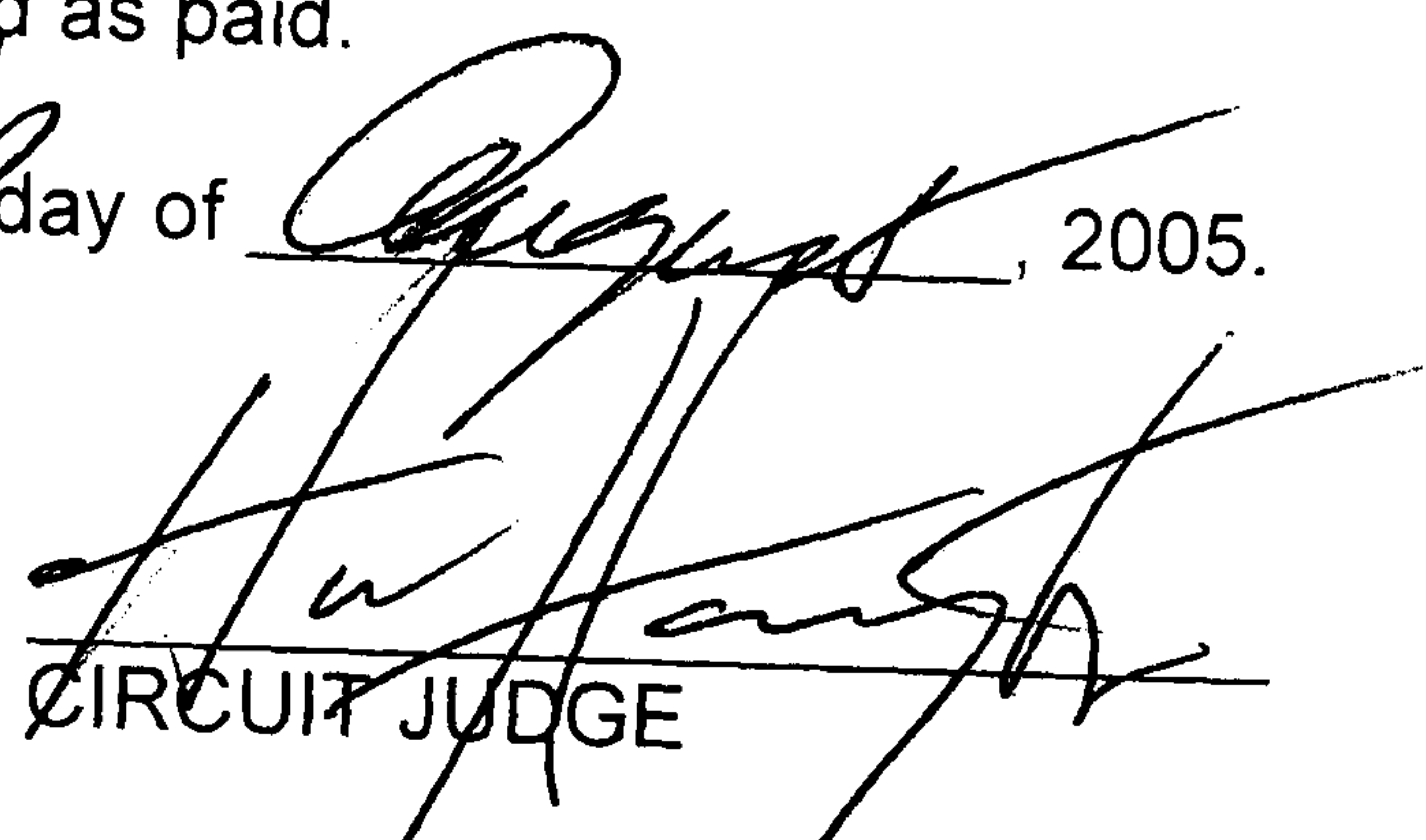
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4. The *Guardian ad litem*, Jeffery G. Hester, Esq., has submitted a time sheet and request for compensation. The Court finds the time expended and the amount of Mr. Hester's request to be reasonable. The Court awards a *Guardian ad litem* fee to Jeffery G. Hester, Esq. in the amount of \$2,790.00. The Court further orders the plaintiff and the defendants to each pay one half (1/2) of the fee within thirty (30) days of the date of this order.

5. The plaintiff shall record a copy of this Final Judgment in the Office of the Probate Judge of Shelby County, Alabama.

6. All other costs of court shall be taxed as paid.

DONE AND ORDERED this 25th day of August, 2005.


CIRCUIT JUDGE