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Shelby Cnty Judge of Probate, AL  
08/11/2006 04:09:33PM FILED/CERT

IN THE CIRCUIT COURT FOR  
JEFFERSON COUNTY, ALABAMA

**FILED IN OFFICE**

MELANIE RICHARDSON PEELER,

Plaintiff,

vs.

LEONARD K. PEELER,

Defendant.

CIVIL ACTION NO. FEB 14 1991

DR 89 1658 JGB POLLY CONRADI  
CLERK OF CIRCUIT COURT  
JEFFERSON COUNTY, AL

ORDER ON RULE NISI AND FOR MODIFICATION


This cause was presented to the Court on the 27th day of November, 1990. Both parties were present in open Court represented by their respective attorneys of record and made it known to the Court that an agreement had been reached concerning the matters and issues presented by Plaintiff's Petition for Rule Nisi and that the parties had reached an agreement concerning the modification of the Final Judgment of Divorce. Based upon the written Memorandum Agreement of the parties heretofore filed in this cause, the Court is of the opinion that the following Order should be entered. It is, therefore, ORDERED and ADJUDGED by the Court as follows:

1. Plaintiff's Petition for Rule Nisi is hereby dismissed.
2. Paragraph Fourteenth of the Agreement of the parties incorporated in and made a part of the Final Judgment of Divorce heretofore rendered in this cause on the 28th day of February, 1990 is hereby modified to provide as follows:

FOURTEENTH: The Defendant shall pay all credit card indebtedness of the parties outstanding as of the date of the Final Judgment of Divorce.



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The Defendant shall convey by statutory warranty deed to the Plaintiff within thirty (30) days of the date of this Order all his right, title and interest in and to the following described real property located in Shelby County, Alabama:

PARCEL "A": A parcel of land in the SW 1/4 of NE 1/4 of Section 18, Township 20 South, Range 2 West, shown as Lots 1 and 2 on a map entitled Lake O'Springs, dated 23rd December 1959 signed by Edward A. Roberts, Sr., Reg. No. 1623, more particularly described as follows: COMMENCE at the southwest corner of said quarter-quarter section; thence in a northerly direction along the west line of said quarter-quarter section a distance of 429.9 feet; thence 90° right in an easterly direction a distance of 204.62 feet to the southerly corner of said Lot 1; thence 140° 41' to the left in a northwesterly direction a distance of 140 feet to the point of beginning; thence 180° in a southeasterly direction along the southwesterly line of said Lot 1 a distance of 140 feet; thence 62° 29' to the left in a northeasterly direction a distance of 187 feet; thence 88° to the left in a northwesterly direction a distance of 152 feet to the bank of the lake; thence in a southwesterly direction meandering along the bank, at the water line a distance of 310 feet, more or less, to point of beginning, containing 0.75 acres, more or less.

PARCEL "B": The SW 1/4 of NE 1/4; the East 70 feet of the N 1/2 of N 1/2 of SE 1/4 of NW 1/4; and the east 180 feet of the S 1/2 of N 1/2 of SE 1/4 of NW 1/4 and the east 250 feet of the S 1/2 of SE 1/4 of NW 1/4 and the south 20 feet of the west 1070 feet of the S 1/2 of SE 1/4 of NW 1/4 of Section 18, all in Township 20 South, Range 2 West. Also a part of the S 1/2 of SE 1/4 of NW 1/4 of Section 18, Township 20 South, Range 2 West, described as follows: COMMENCE at the southeast corner of SE 1/4 of NW 1/4 of Section 18 and run west along the south boundary of said quarter-quarter section for 250 feet to a point; thence run north and parallel to east boundary of said quarter-quarter section a distance of 20 feet to point of beginning of tract herein described; thence run west and parallel to south boundary of said quarter-quarter section for 981 feet, more or less, to point on the east right of way line of road; thence run northerly along east right of way line of said road 15



feet; thence run south  $89^{\circ} 20'$  east for 600 feet, more or less to a point in center line of a ditch; thence run north  $19^{\circ} 26'$  east for 694 feet, more or less, to a point in center line of ditch; thence run east and parallel to south line of said quarter-quarter section for a distance of 150 feet to a point (also being northwest corner of east 250 feet of S  $1/2$  of SE  $1/4$  of NW  $1/4$ ); thence run south and parallel to east boundary of said quarter-quarter section for 662.8 feet, more or less to the point of beginning.

Excepted from Parcel B is that portion of the SW  $1/4$  of the NE  $1/4$  of Section 18, Township 20 South, Range 2 West, described above as Parcel A.

The Plaintiff shall assume the first and second mortgage indebtedness associated with said real property beginning June, 1991. The Defendant shall pay current all mortgage note payments and ad valorem taxes becoming due on said property through May, 1991. The Defendant shall assume and pay the third mortgage indebtedness to National Bank of Commerce encumbering said real property, shall pay the same according to its terms, and shall indemnify the Plaintiff and hold her harmless from any loss in connection therewith.

The Plaintiff shall convey to the Defendant the following described real property located in Shelby County, Alabama:

TRACK I

Commence at the Southwest corner of the Southeast quarter of the Northwest quarter of Section 18, Township 20 South, Range 2 West, Shelby County, Alabama, thence run Easterly along the South line of said quarter-quarter 696.88' to a point in the centerline of a channeled ditch, thence run North  $19$  degrees  $26$  minutes East along centerline of said ditch 12.22' to a point of beginning of the property being described, thence continue along last described course 688.14' to a point on the North line of the South one half, of the Southeast quarter of the Northwest quarter of said Section 18, thence run Westerly along said Half quarter-quarter line 498.86' to a point, thence  $77$  degrees  $28$  minutes left and run Southwesterly 100.0' to a point, thence  $77$  degrees  $28$



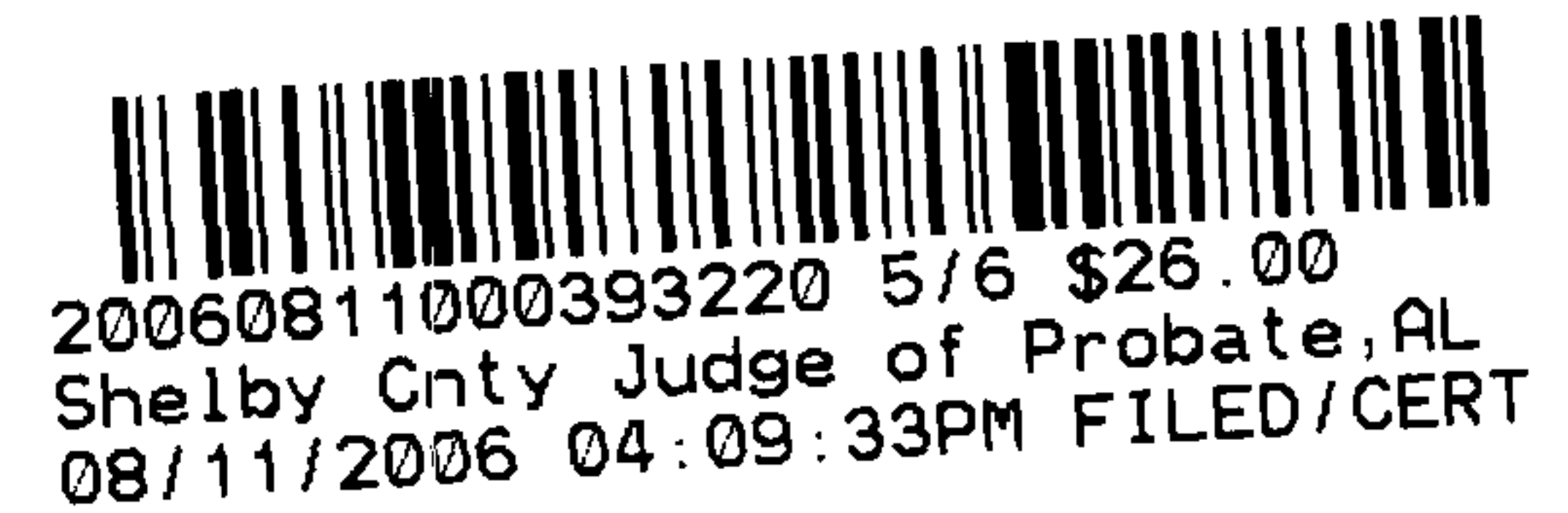
minutes right and run Westerly 150.0' to a point on the East right of way line of Shelby County Highway number 35, A.K.A. The Upper Fungo Hollow Road, thence 77 degrees 28 minutes left and run Southwesterly along said East right of way line of said highway 35, 233.88' to a point, thence 102 degrees 38 minutes left and run Easterly 153.72' to a point, thence 102 degrees 38 minutes right and run Southwesterly 100.0' to a point, thence 20 degrees 45 minutes left Southeasterly 228.42' to a point 3 feet North of a paved private driveway, thence 81 degrees 49 minutes 32 seconds left and run Easterly 328.16' to the point of beginning, containing 7.35 acres,

Less and except a right-of-way reserved to the Plaintiff to run with the land described as follows:

An easement fifty (50) feet in width for ingress, egress, vehicular and pedestrian traffic and utilities lying immediately north and east of the following described boundary of said easement:

Commence at the Southwest corner of the Southeast quarter of the Northwest quarter of Section 18, Township 20 South, Range 2 West, Shelby County, Alabama, thence run Easterly along the South line of said quarter-quarter 696.88' more or less to a point in the centerline of a channeled ditch, thence run North 19 degrees 26 minutes East along centerline of said ditch 12.22' to a point, thence continue along last described course 688.14' to a point on the North line of the South one half, of the Southeast quarter of the Northwest quarter of said Section 18, thence run Westerly along said Half quarter-quarter line 498.86' to a point, thence 77 degrees 28 minutes left and run Southwesterly 100.0' to a point, thence 77 degrees 28 minutes right and run Westerly 150.0' to a point on the East right of way line of Shelby County Highway number 35, A.K.A. The Upper Fungo Hollow Road, thence 77 degrees 28 minutes left and run Southwesterly along said East right of way line of said Highway 35, 233.88' to the point of beginning of the south and west boundary of said easement, thence 102 degrees 38 minutes left and run Easterly 153.72' to a point, thence 102 degrees 38 minutes right and run Southwesterly 100.0' to a point, thence 20 degrees 45 minutes left Southeasterly to a point on the south line of said quarter quarter section, thence easterly along the south line of said quarter quarter section to the point of intersection of the south line of said quarter quarter section with the channeled






ditch referred to above and referred to in the description of "Track I" in that certain deed dated May 2, 1981, and recorded in Book 322, page 841, in the Office of the Judge of Probate of Shelby County, Alabama, and the point of the point of ending of the south and west boundary of said easement.

3. All right of access, rights-of-way and easements reserved to the Plaintiff in the provisions of Paragraph Fourteenth of the original Final Judgment of Divorce shall remain in full force and effect. That the designation of the easement granted by the Defendant to the Plaintiff in Paragraph 2 of this Order is presently fifty (50) feet in width in reliance upon current land use regulations presently existing in Shelby County, Alabama concerning the development of road uses. Should said land use regulations change in the future to require a sixty (60) foot easement for the development of a roadway for use by the Plaintiff, the Defendant shall execute such additional conveyances as are necessary to create and convey to the Plaintiff a sixty (60) foot easement over and upon the same described real property.

4. Each party shall pay their respective attorney's fees in this cause.

5. The costs of Court accrued herein are hereby taxed against the Defendant for the collection of which let execution

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issue.

6. All other provisions of the Final Judgment of Divorce heretofore entered in this cause remain unchanged, unaltered and in full force and effect.

DONE and ORDERED this 13<sup>th</sup> day of February, 1990.

ORIGINAL SIGNED BY  
JOE G. BARNARD

CIRCUIT JUDGE

Copies of this Order mailed  
pursuant to Rule 77(d) of the  
Alabama Rules of Civil Procedure  
this date.

FEB 19 1991

Dated: February 19, 1990.

Dolly Corradi

1. Clerk of Court  
2. State of Alabama  
3. County of Shelby  
4. Probate Court  
5. Judge of Probate  
6. Clerk of Probate  
7. County of Shelby  
8. State of Alabama