20061207000594660 1/7 $29.00
Shelby Cnty Judge of Probate, AL
12/07/2006 02:00:10PM FILED/CERT

DEC. 15 1993 FRANK ELLIS

DEC 1993
RECEIVED & FILED
DAN REEVES
CIRCUIT CLERK &
REGISTER
SHELBY CO.

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

AMOS VINING, Plaintiff,	)	
vs.	)	CASE NUMBER: CV92-336
IDUMA MILLER, et al, Defendant.	)	09-7-36-0-000-002.001

DECREE OF SALE

This cause coming on to be heard, an submitted for Decree of Sale on the Original Bill of Complaint, as amended, and the parties present in Open Court in person or represented by their Attorneys of record or decree pro confesso being rendered against them and upon testimony received in open court.

And it appearing to the satisfaction of this Court that all parties of this proceeding are over Twenty-One (21) years of age and that Iduma Mitchem, Elaine Poe, Mary Hethcox, Syretha Poe, Connie Green, Vera Poe, Donna Patterson, Jimmy Lee Horgan, Jim Bain, Tommy Bain, Gerald Bain, Catherine Colburn, James Bain, Benjamin Faulkner, George Phillips, Margaret Sue Cheek, Melinda Kelly, Ruth Borden, Doris Brown, Tim Miller, Mike Miller, Terry Lynn Evans, Patricia A. Dennis, Calvin Miller, Lola Williams, Jerry Miller, William Miller, Mary Cheek, Heirs of Donald Muir (Deceased), Mildred Wooten, Jewel Horton, Dale Summers, Alice Jeregan, Opal Crow, James F. Cummings, Bobby Cummings, Jimmy Cummings, Jeff Cummings, Dasey May Womack, Wilbur Cummings, Nellie Howard, Johnnie Peoples, Oscar Peoples, Mary Ann Howell, Elizabeth Vest, Helen Brown,

20061207000594660 2/7 $29.00
Shelby Cnty Judge of Probate,AL
12/07/2006 02:00:10PM FILED/CERT

Ruth Payne, Sue Lockhart, Dorothy Wheatley, Minnie Walls, Debbie Horton, Mickey Gassaway, Mike Gassaway, Pauline Robertson, Eugene McDonald, Earl Dean Mulligan, Peggy Pool, Edward Shirley, William Christopher Hughes, Jimmy Hughes, Wanda Gale Wilbanks, Eddie Shirley, Steven Shirley, James Edward Lawley, Betty Lawley and Lloyd Miller, are the owners of the fee simple title to the following described property described real estate, situated in Shelby County, Alabama, being described as follows, to-wit;

The NE 1/4 of the SW 1/4, Sec 36, Township 19 South, Range 1 West;

and

> A 2.2-acre rectangle in the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 36, Township 19 South, Range 1 West, approximately described as follows:
>
> Begin at the Northeast corner of said quarter-quarter section and run west along the north boundary line of said quarter-quarter section a distance of 440 feet, more or less, to a rock corner; thence turn left and run south a distance of 230 feet, more or less, to a rock corner; thence turn left and run east to a point on the east boundary line of said quarter-quarter section; thence turn left and run north along said east boundary line to the point of beginning.

1. And it further appearing that this matter is brought to demise all property interests therein owned by the parties, or any of them in the SE 1/4 of the SW 1/4 Section 36, Township 19 South, Range 1 West whether correctly described or not.

2. And it further appearing to the satisfaction of the Court that the

20061207000594660 3/7 $29.00
Shelby Cnty Judge of Probate,AL
12/07/2006 02:00:10PM FILED/CERT

said real estate described above is owned by the Complainants and Respondents as tenants in common and that the said property herein described can be equity petitioned and divided in kind between the tenants in common without a sale thereof; and that it is necessary that said Real Estate equitably divided and the balance sold for the purposes of making an equitable division of the proceeds thereof between the tenants in common and that it is to the best interest of each of the tenants in common that said real estate be sold for division of the proceeds thereof.

3. It further appearing to the satisfaction of the Court that the Complainants have employed Robert C. Thomas as their Solicitor to file their Bill of Complaint in this cause and to conduct the proceedings for the division of the proceeds thereof and that the services of said Robert C. Thomas, Jr., in the filing and prosecution of the Petition for Sale is for the common benefit for the Complainants and the Respondents and is therefore entitled to a reasonable Solicitor's Fee and that such should be paid from the proceeds of said sale for division.

It is therefore, ORDERED, ADJUDGED and DECREED that the South 24.299 acres of said 42 acre tract, is hereby equitably divided and awarded to Iduma Miller Mitchem, and partitioned in kind between the tenants in common without a sale thereof and all right title and interest of all parties to this cause is hereby vested in the said Iduma Miller Mitchem.

It is ORDERED, ADJUDGED AND DECREED that Iduma Mitchem's interest in the remaining balance of the 42 acre tract (17.701 acres) is

570' X 1350'

20061207000594660 4/7 $29.00
Shelby Cnty Judge of Probate,AL
12/07/2006 02:00:10PM FILED/CERT

hereby divested and extinguished forever. Iduma Mitchem's interest in the remaining balance of 17.701 acres shall be equitably divided among the remaining heirs as set forth in this order.

It is further ORDER, ADJUDGED and DECREED that the real estate described in the balance of the Bill of Complaint and herein described cannot be equitable divided or partitioned in kind between the tenants in common without a sale thereof. It is necessary that said real estate be sold for the purposes of making an equitable division of the proceeds between the tenants in common and that it is to best interest of each tenant in common that the real estate be sold for division of the proceeds thereof.

The Complainants are entitled to the sale for division as provided for in the Bill of Complaint, as amended, filed in this case and that the Complainants and Respondents are the owners of the undivided interest in and to the property herein described as follows:

24.299

A.	Iduma Miller by Deed from Brother	.50
B.	H.M. Miller–(Deceased) Heirs:	
	1. Bequeathed to Iduma Miller.	.07
C.	Bill Miller (Deceased)	
	1. Junior Miller	.007
	a. Elaine Poe	.0011
	b. Mary Hethcox	.0011
	c. Syretha Poe	.0011
	d. Connie Green	.0011
	e. Vera Poe	.0011
	f. Donna Patterson	.0011
	2. Willie May Miller (Deceased)	
	a. Jimmy Lee Horgan	.0011
	b. Jim Bain	.0011
	c. Tommy Bain	.0011
	d. Gerald Bain	.0011
	e. Catherine Colburn	.0011
	f. James Bain	.0011

20061207000594660 5/7 $29.00
Shelby Cnty Judge of Probate,AL
12/07/2006 02:00:10PM FILED/CERT

3. Pauline Kelly (Deceased)
   a. Benjamin Faulkner .0017
   b. George Phillips .0017
   c. Margaret Sue Cheek .0017
   d. Melinda Kelly .0017
4. Ruth Borden .007
5. Doris Brown .007
6. Earl Miller .007
7. Calvin Miller .007
8. Lola Williams .007
9. Jerry Miller .007
10. Lloyd Miller .007

D. Brew Miller (Deceased)
   1. William Miller .07_

E. Mattie Miller-(Deceased)
   1. Mary Cheek .0175
   2. Donald Muir (Deceased)
      a. Children and other heirs unknown
   3. Mildred Wooten .0175
   4. James Horton .0175

F. Pearl Crow (Deceased)
   1. Robert Crow (Deceased)
      a. Dale Summer .0175
      b. Alice Jeregan .0175
   2. Opal Mock .035

G. Murdie Cummings-(Deceased)
   1. G.B. Cummings (Deceased)
      a. Farris Cummings .0025
      b. B.B. Cummings .0025
      c. Jimmy Cummings .0025
      d. Jeff Cummings .0025
   2. Dasey Mae Womack .01
   3. Wilbur Cummings .01
   4. Nellie Howard .01
   5. Wilmon Peoples(Deceased)
      a. Johnny Peoples .003
      b. Oscar Peoples .003
      c. Mary Ann Howell .003
   6. Helen Brown .01
   7. Ruth Payne .01

H. Lola Vining(Deceased)
   1. Amos Vining .01
   2. Sue Lockhart .01
   3. Dorothy Wheatley .01
   4. Minnie Walls .01
   5. Christine Gassaway (Deceased)

20061207000594660 6/7 $29.00
Shelby Cnty Judge of Probate,AL
12/07/2006 02:00:10PM FILED/CERT

	a.	Debbie Horton	.003
	b.	Mickey Gassaway	.003
	c.	Mike Gassaway	.003
6.	Roberta McDonald (Deceased)		
	a.	Pauline Robertson	.003
	b.	Eugene McDonald	.003
	c.	Earl Dean Mulligan	.003
7.	Emily Shirley (Deceased)		
	a.	Peggy Pool	.002
	b.	Edward Shirley	.002
	c.	Marcia Gail Hughes (Deceased)	
		(1) Chris Hughes	.0006
		(2) Jimmy Hughes	.0006
		(3) Wanda Gail Wilbanks	.0006
	d.	William Lee Shirley (Deceased)	
		(1) Eddie Shirley	.001
		(2) Steven Shirley	.001
	e.	Linda Fay Lawley (Deceased)	
		(1) James Edward Lawley	.001
		(2) Betty Lawley	.001

That the Register of this Court proceed at sale at public outcry the land described in Paragraph 1 of said decree, less and except the portion herein awarded to Iduma Miller Mitchem, to the highest bidder for cash, before the door of the Courthouse at Columbiana, Shelby County, Alabama within the legal hours of sale, after first giving notice in the Shelby County Reporter of the time, place, and terms of the sale, together with the description of the real estate to be sold. Said notice shall be published for at least three (3) weeks prior to date of sale.

That the Register conduct a reference on the day after such sale to determine the reasonable for the legal services performed by Robert C. Thomas, Jr., and report the same to the Court and upon confirmation by the Court of the sale, that the said Robert C. Thomas, Jr., shall be paid from the proceeds of such sale.

20061207000594660 7/7 $29.00
Shelby Cnty Judge of Probate,AL
12/07/2006 02:00:10PM FILED/CERT

That the Register shall make a report of such sale to the Court within ten (10) days of such sale for the confirmation by the Court, that the report lie over for ten (10) days for exceptions or objections and that upon confirmation by the court that the Register make proper conveyance of said lands to the purchaser as ordered by the Court.

DONE and ORDERED this the 3rd day of December, 1993.

S. A. Gewin

CIRCUIT JUDGE

Certified a true and correct copy
Date: 6/14/06
Mary A Harris