

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JIMMY E. PHILLIPS, an individual and)
AUTOMASTER ENTERPRISES, INC.,)
a corporation,)

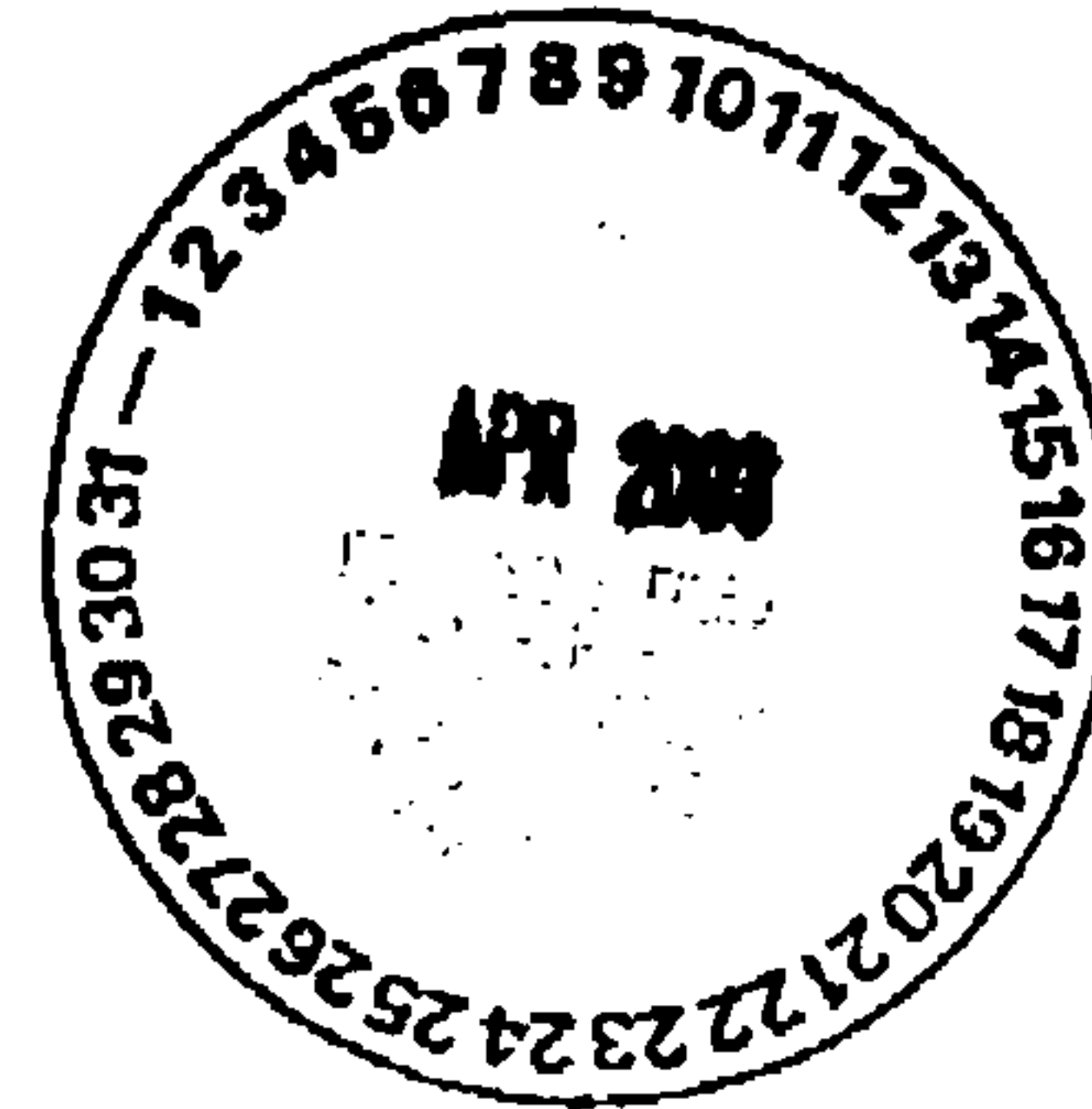
Plaintiffs,)

v.)

SOUTHERN HOME FURNITURE, INC.,)
a corporation, FORREST W. FROST, an)
individual, DONNA B. FROST, an)
individual, and LEONA M. TATUM, an)
individual,)

Defendants.)

CV-01-309



FINAL JUDGMENT

THIS CAUSE came to be heard on the 2nd day of April, 2003. The parties and their attorneys of record were present in court. The Court was informed that attorney John D. McCord now represents all of the defendants, attorney Harry Blalock having previously withdrawn.

The case having been called for trial, the attorneys of record having stipulated to the facts and applicable case law, the Court FINDS that:

(A.) The prior order of this Court dated October 1, 2002 is hereby adopted and incorporated into this order as if set out herein. Specifically, the Court finds:

- (i) Plaintiff Jimmy E. Phillips is the fee simple owner of that certain real property situated in Shelby County, Alabama and more particularly described in that certain Warranty Deed recorded as Instrument #

Certified a true and correct copy
Date: 7.24.07

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Mary H. Harris tl8
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

2000-19566 in the Office of the Probate Judge of Shelby County,
Alabama (the "Phillips Parcel")

- (ii) Defendants Forrest W. Frost, Donna B. Frost and Leona M. Tatum have rights of ingress and egress over a portion of the Phillips Parcel as more particularly described in that certain Right Of Way Deed recorded in Real Book 148, page 630 in the Office of the Probate Judge of Shelby County, Alabama (the "Ingress-Egress Easement").
- (iii) The defendants have constructed, or have allowed construction of, certain improvements on the Phillips Parcel without the permission of plaintiffs. Said improvements include two (2) HVAC units on pads and an incinerator. Further, a door on the defendants' furniture store constructed on the lot adjacent to the Phillips Parcel extends onto the Phillips Parcel when opened. These improvements were in existence when the plaintiff purchased the Phillips Parcel.

(B.) The defendants have an easement on a portion of the Phillips Parcel for a septic tank and field lines as more particularly described in that certain Easement Agreement recorded in Book 207, page 143 in the Office of the Probate Judge of Shelby County, Alabama (the "Septic Easement").

(C.) The sewer line that connects the defendants' store to the sewer main at Highway 280 is partially located on the Phillips Parcel without the permission of the plaintiff and without any apparent legal right.

It is, therefore, ORDERED, ADJUDGED AND DECREED, that:

1. To the extent they have not already done so, the defendants shall remove, or cause to be removed, at their sole expense the two (2) HVAC units and the incinerator, including all pads, pipes, wires, machinery, and all other personal property connected thereto, from the Phillips Parcel immediately.
2. The defendants shall not cause or allow the door on the defendants' furniture store to encroach upon the Phillips Parcel except as necessary to utilize the Ingress-Egress Easement.
3. The plaintiffs at their sole expense may cut, sever and/or remove that portion of the sewer line that is on the Phillips Parcel connecting the furniture store's sewer to the sewer main at Highway 280.
4. The plaintiffs shall permit defendants Forrest W. Frost, Donna B. Frost and Leona N. Tatum unobstructed ingress and egress over and across the Ingress-Egress Easement.
5. Costs are taxed as paid.

DONE AND ORDERED this 9th day of April, 2003.


CIRCUIT JUDGE