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CV-2007-000369.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT FOR SHELBY COUN

**IN THE MATTER OF
DESSELL CARDEN, DECEASED,**

Plaintiff,

vs.

CASE NO.: CV-07-369

BONNIE SCHRADER, ET AL.,

Defendant.

ORDER

This case coming on for trial on the 12th day of January 2009 and thereupon came Plaintiff, being represented by the Honorable James Dwight Smith, and Defendant in person and being represented by the Honorable Clint C. Thomas.

THEREUPON, on January 12, 2009, came a jury of good and lawful persons, to wit: W. L. Gunnells, III and eleven (11) others, who having been duly drawn, selected, impaneled, sworn and charged according to law, before whom the trial of this cause was entered. Said jurors upon their oaths found as follows: **THAT THE DEED OF MAY 13, 2005 FROM DESSELL CARDEN TO MARY NELL PARTRIDGE AND DON PARTRIDGE IS NOT VALID AND IS DUE TO BE SET ASIDE FOR LACK OF MENTAL CAPACITY AND UNDUE INFLUENCE.** It is therefore:

ORDERED and **ADJUDGED** by the Court and is the judgment of this Court that the deed from Dessell Carden to Mary Nell Partridge and Don Partridge of May 13, 2005, recorded as Instrument Number 20050516000233990 in the Office of the Judge of Probate of Shelby County, Alabama is void due to Dessell Carden's lack of mental capacity at the time of the execution of said deed.

Further, the Court finds that said deed is void due to undue influence exerted upon Dessell Carden by Mary Nell Partridge and Don Partridge at the time of the execution of said deed.

The Court hereby **ORDERS** that Bonnie Schrader shall cause a copy of this Order to be recorded in the Office of the Judge of Probate of Shelby County, Alabama.

Further, Mary Nell Partridge and Don Partridge are hereby **ORDERED** to immediately surrender possession of all property described in the above-referenced deed to Bonnie Schrader, as Administrator of the Estate of Dessell Carden.

Costs are hereby taxed to Mary Nell Partridge and Don Partridge.

DONE and **ORDERED** this 16th day of January, 2009.

s/ J. Michael Joiner
Circuit Judge



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Shelby Cnty Judge of Probate, AL
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