



**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

**JULIA BELLE WOODALL, et al.,**

Plaintiffs,

v.

**EARNEST WOODALL et al.,**

Defendants.

**CASE NO. CV-2009-900569**

**ORDER GRANTING MOTION FOR SUMMARY JUDGMENT ON COUNT ONE  
AND MOTION FOR PARTIAL SUMMARY JUDGMENT ON COUNT FOUR**

Plaintiffs having moved for summary judgment on Count One of the Complaint, and for partial summary judgment on Count Four of the Complaint, and the Court having considered the pleadings, admissions, exhibits, affidavit, and memorandum of law filed in support of the motion, and it appearing to the Court that there is no genuine issue as to any material fact and Plaintiffs are entitled to judgment as a matter of law, it is therefore

**ORDERED AND ADJUDGED** that summary judgment is granted hereby in favor of Plaintiffs against Defendants on **Count One** as follows:

A. The document purporting to be a deed from Willie Woodall Beavers, a widow, to Retha Mae McConico, recorded on December 4, 1986, in Real Book 103, page 330, in the Probate Office of Shelby County, Alabama, was intended to be a valid conveyance of the following described one-acre parcel of land to Retha Mae McConico:

Commence at the SW Corner of the NW ¼ of the SW ¼ of Section 28, Township 18 South, Range 2 East, Shelby County, Alabama, and run thence N 87° 56' 23" E a distance of 1029.33 feet; thence N 01° 39' 19" W a distance of 461.09 feet to the point of beginning; thence continue along last described course a distance of 166.20 feet; thence N 87° 41' 07" E a distance of 278.16 feet; thence S 02° 11' 39" E a distance of 168.51 feet; thence S 88° 09' 39" W a distance of 279.73 feet to the point





of beginning. Said parcel containing 1.07 acres, more or less.

B. The 1986 document referred to in paragraph A is reformed to comply with the intention of the parties by deleting all other legal descriptions contained therein and adding the following legal description:

Commence at the SW Corner of the NW¼ of the SW¼ of Section 28, Township 18 South, Range 2 East, Shelby County, Alabama, and run thence N 87° 56' 23" E a distance of 1029.33 feet; thence N 01° 39' 19" W a distance of 461.09 feet to the point of beginning; thence continue along last described course a distance of 166.20 feet; thence N 87° 41' 07" E a distance of 278.16 feet; thence S 02° 11' 39" E a distance of 168.51 feet; thence S 88° 09' 39" W a distance of 279.73 feet to the point of beginning. Said parcel containing 1.07 acres, more or less.

C. The deed dated November 4, 1957, by which Willie Woodall Beavers, a widow, conveyed a five-acre parcel of real estate to her daughter, Retha Mae McConico, recorded on November 21, 1957, in Deed Book 190, page 183, in the Probate Office of Shelby County, Alabama, was not modified or otherwise affected by the 1986 deed referred to in paragraph A.

D. The Clerk of this Court shall furnish Plaintiffs a certified copy of this Order for recording in the real property records.

It is further ORDERED AND ADJUDGED that partial summary judgment is granted in favor of Plaintiffs David A McConico, Arthur L. McConico, Paul E. McConico, Patricia A. McConico, Willie J. Iverson, Claretha Smith, and Katie J. Elliott against Defendants on **Count Four** as follows:

A. The said Plaintiffs have and recover of the Defendants the following real property sued for and described in the complaint, of which said Plaintiffs have legal title:

Commence at the SW Corner of the NW¼ of the SW¼ of Section 28, Township 18 South, Range 2 East, Shelby County, Alabama, and run thence N 87° 56' 23" E a distance of 1029.33 feet; thence N 01° 39' 19" W a distance of 461.09 feet to the point of beginning; thence continue along last described course a distance of 166.20 feet; thence N 87° 41' 07" E a distance of 278.16 feet; thence S 02° 11' 39" E a



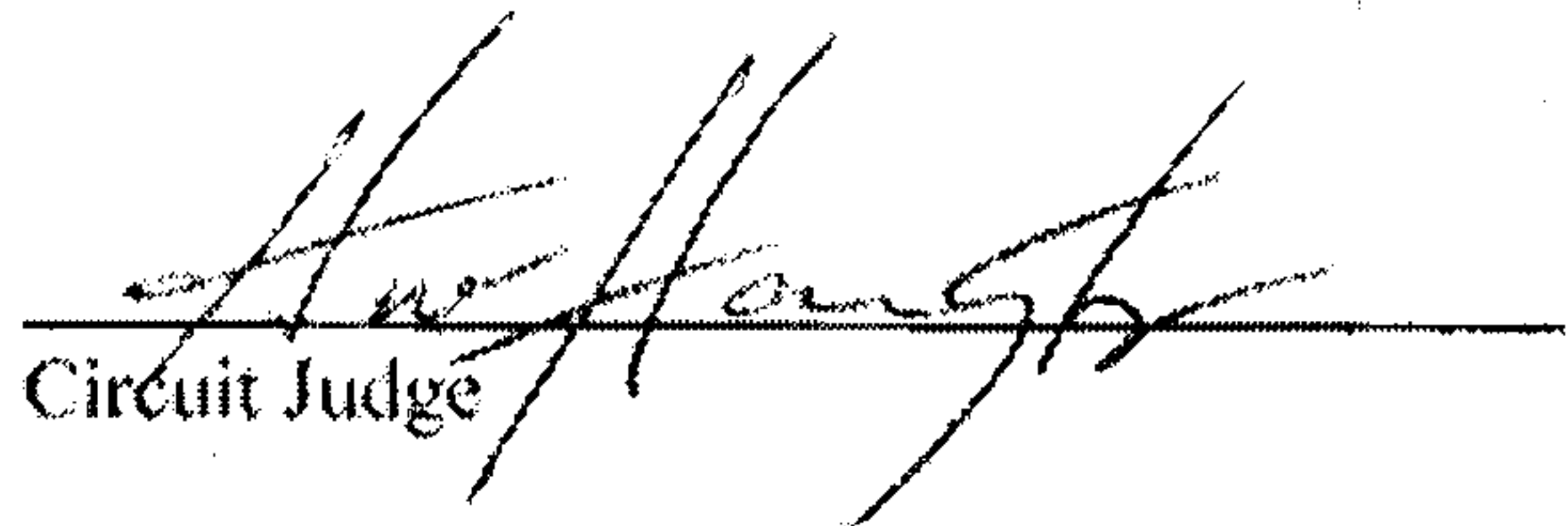
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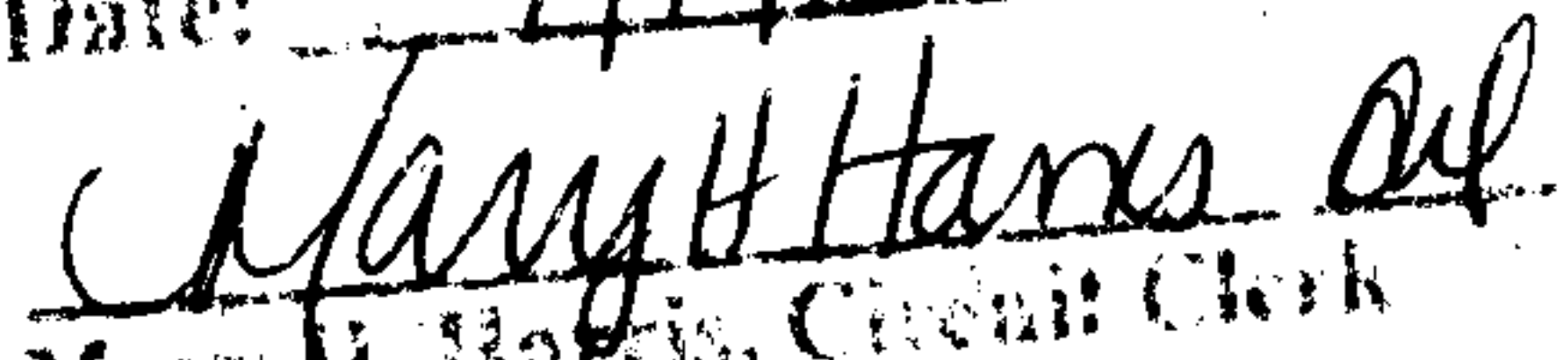
distance of 168.51 feet; thence S 88° 09' 39" W a distance of 279.73 feet to the point of beginning. Said parcel containing 1.07 acres, more or less.

B. The Court will not order Defendant Earnest Woodall to vacate said real property until the remaining real property which is the subject of this suit is sold and the proceeds distributed.

C. The issue of rents and damages and the issue of Defendant Earnest Woodall's claim for reimbursement for property taxes paid and attorneys fee is reserved for further proceedings.

This the 11<sup>th</sup> day of August 2010.

  
Circuit Judge

Certified a true and correct copy  
Date: 9/1/10  
  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama



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Shelby Cnty Judge of Probate, AL  
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