

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

NANCY C. HOLCOMBE,)

PLAINTIFF,)

VS.)

JOHN H. HOLCOMBE,)

DEFENDANT.)

CASE NO.: DR 2009-000433.00 GDR

(IN EQUITY)

20110208000045310 1/7 \$30.00
Shelby Cnty Judge of Probate AL
02/08/2011 12:34:44 PM FILED/CERT

**FINAL JUDGMENT OF DIVORCE
WITH JUDICIAL LIEN**

THIS CAUSE coming on to be heard on the 25th day of March, 2010, was submitted for a final judgment on the pleadings on file in this cause and ore tenus testimony by all parties herein. Upon consideration thereof, it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the bonds of matrimony heretofore existing between the parties are dissolved, and the said Plaintiff, Nancy C. Holcombe, and said Defendant, John H. Holcombe, are divorced each from the other.

2. That neither party shall marry again except to each other until sixty (60) days after the date of the Judgment of Divorce, and if an appeal is taken (which must be instituted within forty-two (42) days from this Judgment, or from the date that a post-trial motion is denied), then neither party shall again marry except to each other during the pendency of the appeal. Thereafter, each party may, and they are hereby, permitted to again contract marriage upon the payment of costs of this suit.

3. The Court specifically finds that the parties have accumulated during the marriage numerous assets in their joint names, individual names and through partnerships. Those include the following:

- a) Residence plus 108 acres – 1494 Sun Valley Road – held jointly;
- b) 55 acres behind the residence – held jointly;
- c) Abernathy property – 4.6 acres – held in Defendant's name;
- d) 2 acres & house on Hwy. 280 (hair salon) – held in Defendant's name;
- e) Newman Property – 2.5 acres – held jointly;
- f) Bessemer Oil Property – 1.45 acres – held in Defendant's name;
- g) Cougar Investments – 2 lots – Defendant holds $\frac{1}{4}$ interest in LLC;
- h) Holcombe Development, LLC 42 acres – Defendant holds $\frac{1}{2}$ interest in LLC

4. The Court specifically finds that the parties have accumulated during the marriage numerous debts associated with the assets set out herein in their joint names, individual names and through partnerships. Those include but are not limited to the following:

- a) Regions – 1st mortgage on residence – Joint names;
- b) Frontier Bank, Holcombe Development – Defendant's name;
- c) First Commercial Bank, 55 acres – Joint names;
- d) Frontier Bank, Cougar Investments – Defendant's name;
- e) Regions Bank line of credit – Defendant's name;
- f) Regions Bank – part of Holcombe Home Center debt – Defendant's name;
- g) Porter Capital, hair salon property – Defendant's name;
- h) Household Financial – Defendant's name;
- i) Property taxes – Joint and Defendant's name;
- j) Harpersville water – Defendant's name;
- k) Cardiovascular & Associates – Defendant's name;
- l) Discover Credit – Defendant's name;
- m) Capital One Credit Card – Defendant's name;
- n) Barfield Murphy Shank & Smith – Defendant's name;
- o) Economy Gas – Defendant's name;
- p) Fifth Third Bank – Defendant's name;
- q) Alfa Insurance – Defendant's name; and,
- r) Mastercard – Plaintiff's name.

5. Due to the amount of indebtedness of the parties associated with the real properties herein, their respective incomes, and the present state of the economy relating to the sale of real estate, it is impossible for the court to make an equitable distribution of the assets and liabilities at this time. Therefore, all issues relating to a division of real properties or of any proceeds to be derived therefrom are reserved for further orders of the Court.

6. A judicial lien shall be placed on all real properties set out herein and more particularly described on Exhibit "A" attached hereto. Any subsequent liens, debts, encumbrances, transfers or conveyances as relate to subject properties shall first be approved by this Court. Any and all monetary proceeds or other considerations to be derived therefrom shall be held in escrow pending further orders of this Court as to the disposition thereof. A copy of this Order shall be filed of record with the Office of the Judge of Probate in Shelby County, Alabama or in Probate Court of any other applicable counties having real properties located therein.

7. All issues relating to the payment of domestic support, periodic alimony or alimony in gross by either party to the other is hereby reserved for further orders of the Court and shall be non-dischargeable in bankruptcy. .

8. Plaintiff shall have exclusive use and occupancy of the marital residence pending further orders of the Court.

9. The parties shall cooperate with one another in cutting timber on their property. The proceeds derived therefrom shall be used to pay delinquent mortgage payments on all real properties described herein. The parties shall equally divide any proceeds that remain after the payment of all delinquent mortgage payments.

10. Plaintiff to be awarded all furniture, furnishings, household goods and items of like effect located at the marital residence not specifically otherwise herein awarded to the Defendant. .

11. Plaintiff to be awarded all right, title and interest in and to her 2001 Tahoe, which is paid for.

12. Defendant to be awarded the furniture, furnishings, household goods and items of like effect described on Exhibit "B" attached hereto.

13. The parties shall cooperate one with another in all matters as relate to the real properties described herein and specifically including, buy not limited to, the subsequent sale of any parcels thereof.

14. Upon motion of either party, the Court shall retain jurisdiction to review the reserved issues set out herein.

15. That all Court costs of this proceeding to be taxed as paid to the Plaintiff.

DONE and ORDERED this the 1st day of June, 2010.



CIRCUIT JUDGE

2-8-2011

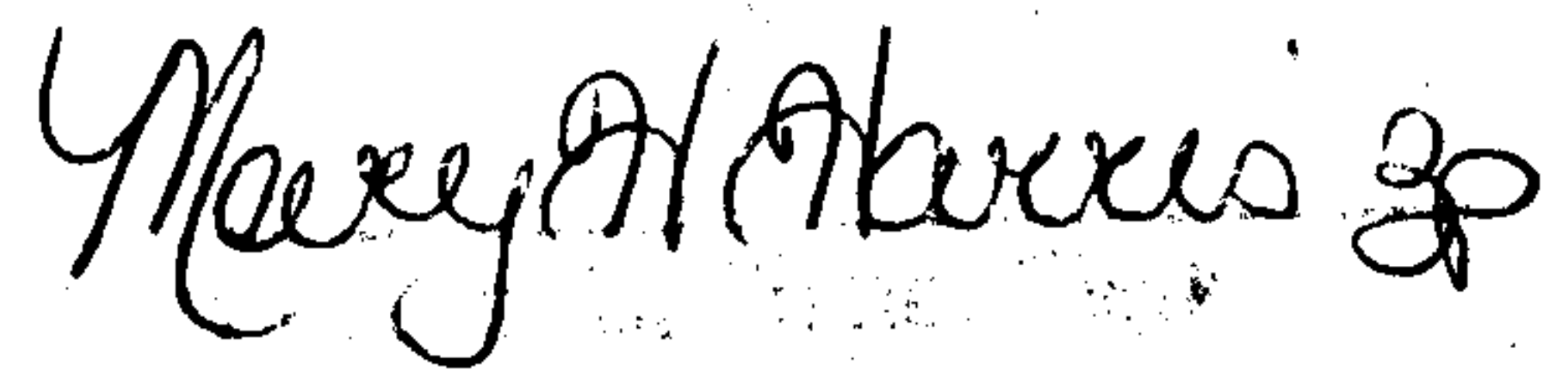


EXHIBIT "A"
DESCRIPTION OF PROPERTY

The following described real estate, situated in Shelby County, Alabama, to-wit:

PARCEL "A":

The NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, all of that part of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, lying North and East of Chancellors Ferry Road. All being in Section 2, Township 20, Range 2 East.

PARCEL "B":

All that part of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3, Township 20, Range 2 East, lying Northeast of the Chancellor's Ferry paved road, and Southeast of that certain dirt road leading from Chancellor's Ferry Road in a Northeasterly direction to the Scott Logan Place.

PARCEL "C":

From the true (sized section) NW corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 20 South, Range 2 East, run thence true South 00 degrees 55 minutes 10 seconds West along the true West boundary of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 287.12 feet to a point on the Southerly boundary of U.S. Highway #280 (250-foot right of way); thence turn 00 degrees 38 minutes 31 seconds left and run South 00 degrees 16 minutes 39 seconds West along an accepted property line a distance of 642.51 feet; thence turn 00 degrees 01 minutes 35 seconds right and continue South 00 degrees 18 minutes 14 seconds West along said accepted property line a distance of 396.07 feet; thence turn 00 degrees 06 minutes 47 seconds left and continue South 00 degrees 11 minutes 27 seconds West along said accepted property line a distance of 468.75 feet to the point of beginning of herein described parcel of land; thence continue South 00 degrees 11 minutes 27 seconds West along said accepted property line a distance of 909.42 feet; thence turn 00 degrees 18 minutes 59 seconds right and continue along said accepted property line a distance of 1273.32 feet to a point on the true South boundary of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2, Township 20 South, Range 2 East; thence turn 89 degrees 52 minutes 41 seconds left and run 1276.89 feet along said true South boundary of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to the true SE corner thereof; thence turn 89 degrees 32 minutes 55 seconds left and run North 01 degrees 04 minutes 50 seconds East a distance of 1327.34 feet to the true NE corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence turn 00 degrees 54 minutes 15 seconds left and run North 00 degrees 10 minutes 35 seconds East along an accepted property line a distance of 664.11 feet; thence turn 90 degrees 10 minutes 35 seconds left and run 989.58 feet; thence turn 90 degrees 00 minutes right and run 205.50 feet; thence turn 90 degrees 00 minutes left and run 300 feet to the point of beginning of herein described parcel of land.

Together with a non-exclusive 30.0-foot easement for ingress and egress, to wit: From the NW corner of the heretofore described parcel of land, run true due East along the North boundary of said parcel of land a distance of 15.0 feet to the point of beginning of the centerline of said 30.0-foot easement; thence turn 89 degrees 48 minutes 33 seconds left and run 468.68 feet along said easement centerline; thence turn 00 degrees 06

minutes 47 seconds right and run 396.06 feet along said easement centerline; thence turn 00 degrees 01 minutes 35 seconds left and run 202.97 feet along said easement centerline; thence turn 02 degrees 42 minutes 54 seconds right and run 119.81 feet along said easement centerline; thence turn 02 degrees 57 minutes 15 seconds right and run 157.07 feet along said easement centerline; thence turn 09 degrees 09 minutes 06 seconds right and run 117.46 feet along said easement centerline to a point of termination on the Southerly boundary of aforementioned U.S. Highway #280.

LESS AND EXCEPT:

A part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2, Township 20 South, Range 2 East, Shelby County, Alabama, and being more particularly described as follows:

Commence at a $\frac{1}{2}$ inch rebar found and set by Sam W. Hickey (AL. Reg. No. 4848) an accepted as the Southwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, Township 20 South, Range 2 East, Shelby County, Alabama; proceed North 0 degrees 10 minutes 47 seconds East along or near a fence line for 909.49 feet; thence South 89 degrees 49 minutes 13 seconds East 3.60 feet to a 5/8-inch rebar set (AL. Reg. No. 19753), said point being the point of beginning of herein described parcel of land; thence North 89 degrees 58 minutes 36 seconds East 296.50 feet to a 5/8-inch rebar set (AL. Reg. No. 19753); thence South 0 degrees 01 minutes 24 seconds East 729.98 feet to a 5/8-inch rebar set (AL. Reg. No. 19753); thence South 89 degrees 58 minutes 36 seconds West parallel to the North boundary of herein described parcel of land for 301.98 feet to a 5/8-inch rebar set (AL. Reg. No. 19753); thence North 0 degrees 24 minutes 24 seconds East along or near a fence for 730.00 feet, back to the point of beginning.

PARCEL "D":

Commence at the NW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2, Township 20 South, Range 2 East and run North 115 feet to the West right-of-way line of U.S. Highway 280, formerly known as Birmingham-Sylacauga Highway; thence run NW along said right-of-way a distance of 2,134 feet to the point of beginning of the lot hereby conveyed; from this point turn SW at right angles and run 420 feet to a corner; thence turn 90° and run NW 210 feet to a corner; thence turn a 90° angle and run NE 420 feet to a concrete post on the West side of highway; thence run SE along said highway 210 feet to the point of beginning; being situated in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, Township 20 South, Range 2 East, Shelby County, Alabama.

PARCEL "E":

A parcel of land situated in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, Township 19, Range 2 East, described as follows:

Commencing at the Northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 33, Township 19, Range 2 East, and run thence East 49.3 feet more or less to the Southwest right of way line of the Florida Short Route Highway; run thence South 55 deg. and 45 min. East along said right of way line a distance of 459 feet to the point of beginning of the tract herein conveyed, and which is marked by a concrete post; thence south 55 deg. and 45 min. East along said right of way line, a distance of 315 feet; run thence South 86 deg. and 55 min. West a distance of 805.5 feet to an iron stob; run thence North 3 deg.

and 05min. West 192 feet; run thence north 86 deg. And 55 min. East, a distance of 555.5 feet to the point of beginning.

Less and Except the following:

That certain lot of land in the Town of Harpersville, Alabama described as commencing at the Northwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, Township 19 South, Range 2 East, run thence East 49.3 feet to the Westerly right of way line of United States Highway No. 91; run thence South 55 deg. 45 min. East along the Southwesterly right of way line of said Highway for a distance of 619 feet to the point of beginning of the lot herein described and conveyed; continue thence South 55 deg. 45 min. East along said right of way line of said Highway for a distance of 155 feet to a point; run thence South 86 deg. 55 min. West a distance of 187 feet; run thence in a Northeasterly direction a distance of 114 feet, more or less, to the point of beginning.



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EXHIBIT "B"

FURNITURE, FURNISHINGS AND HOUSEHOLD GOODS AWARDED TO DEFENDANT

- a. One sofa in great room
- b. One recliner in great room
- c. Antique Desk given to Defendant by his aunt
- d. Dining Room Table and Hutch, given to Defendant by his parents, together with any contents, given to Defendant by his family
- e. Chest in Master Bedroom
- f. Dresser with Mirror in Master Bedroom, given to Defendant by his parents
- g. Two (2) Night Stands in Master Bedroom, given to Defendant by his parents
- h. Antique Clock, given to Defendant by his parents
- i. Couches in Sunroom
- j. One Half (1/2) of all family pictures
- k. Exercise Equipment



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