



IN THE CIRCUIT COURT OF SHELBY COUNTY,
CIVIL DIVISION

GARY ALTON GLASS; STEPHANIE
S. GLASS; and REBECCA S. ALLEN.

Plaintiffs,

v.

RANDY GOODWIN; LANDMARK, LLC;
and CENTRAL STATE BANK,

Defendants.



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Shelby Cnty Judge of Probate, AL
09/06/2012 02:32:25 PM FILED/CERT

CIVIL ACTION NO.
CV-2008-900402 HLC

FINAL JUDGMENT

THIS MATTER came on to be heard before the Court on the 23rd day of August, 2011 and the Court, having received the testimony ore tenus of the witnesses in this action, the exhibits introduced at trial, the arguments of counsel, and the Court having viewed the property, its location, condition and characteristics, finds that the following judgment is due to be entered in this matter.

It is therefore, **ORDERED, ADJUDGED and DECREED** as follows:

The property that is in dispute in this action is Lot 19 and a portion of Lot 18 , in Block 45 of the J. H. Dunstan Map of Calera, consisting of approximately .22 acres and is located in the Town of Calera, Shelby County, Alabama.

The Plaintiffs, Gary Alton Glass and Stephanie S. Glass testified that they and their predecessors in title possessed the following described property for more than twenty (20) years next preceding the filing of this suit.

A part of Lots 18 and 19, Block 45 according to the J. H. Dunstan's Map of the Town of Calera, Alabama, recorded in the Probate Judge's office of Shelby County, Alabama:
Commence at the Southwest corner of said Lot 19 and run East along

the South line of said lot a distance of 146 feet, more or less, to the intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less to the intersection of the top edge of a ditch running East and West; thence run West 146 feet along the top edge of said ditch to the intersection with the West line of Lot 18 of said subdivision; thence run South along the West line of said Lots 18 and 19 a distance of 49 feet to the point of beginning of said lot.

The Plaintiff, Rebecca S. Allen, testified that she and her predecessors in title possessed the following described property for more than twenty (20) years next preceding the filing of this suit.

A part of Lots 18 and 19, Block 45 according to the J. H. Dunstan's Map of the Town of Calera, Alabama, recorded in the Probate Judge's office of Shelby County, Alabama:
Commence at the Southeast corner of said Lot 19 and run West along the South line of said Lot 19 a distance of 44 feet to the point of intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less, to its intersection with the top edge of a ditch running East and West; thence run East 4 feet along the top edge of said ditch to a point; thence run South, parallel to said chain link fence 5 feet; thence run East, parallel to the top edge of said ditch a distance of 37 feet, more or less, to a point on the East line of said Lot 18; thence run South along said East line of Lots 18 and 19 a distance of 37 feet, more or less, to the point of beginning.

Numerous aerial photographs were received into evidence confirming Plaintiffs Gary Alton Glass, Stephanie S. Glass and Rebecca S. Allen's testimony as to their use of the disputed property. Said photographs confirmed the location of cleared areas, fences, dog houses and other improvements placed on the property by the Plaintiffs.

The Plaintiffs testified and the Court finds that the Plaintiffs were placed in actual possession of the claimed property by their predecessors in title even though the legal description used to convey the land did not include the claimed property. The Defendant, Randy Goodwyn, testified that he stopped clearing the land on Lot 18 when the Plaintiffs protested, claiming that he

was clearing on their property.

The Court finds from all the evidence presented to it that Plaintiffs Gary Alton Glass and Stephanie S. Glass and their predecessors in title have been in the actual, open, notorious, adverse, hostile and continuous possession of the following described property as further shown on Exhibit "A" to this Decree, for a period of at least twenty (20) years prior to the commencement of this action.

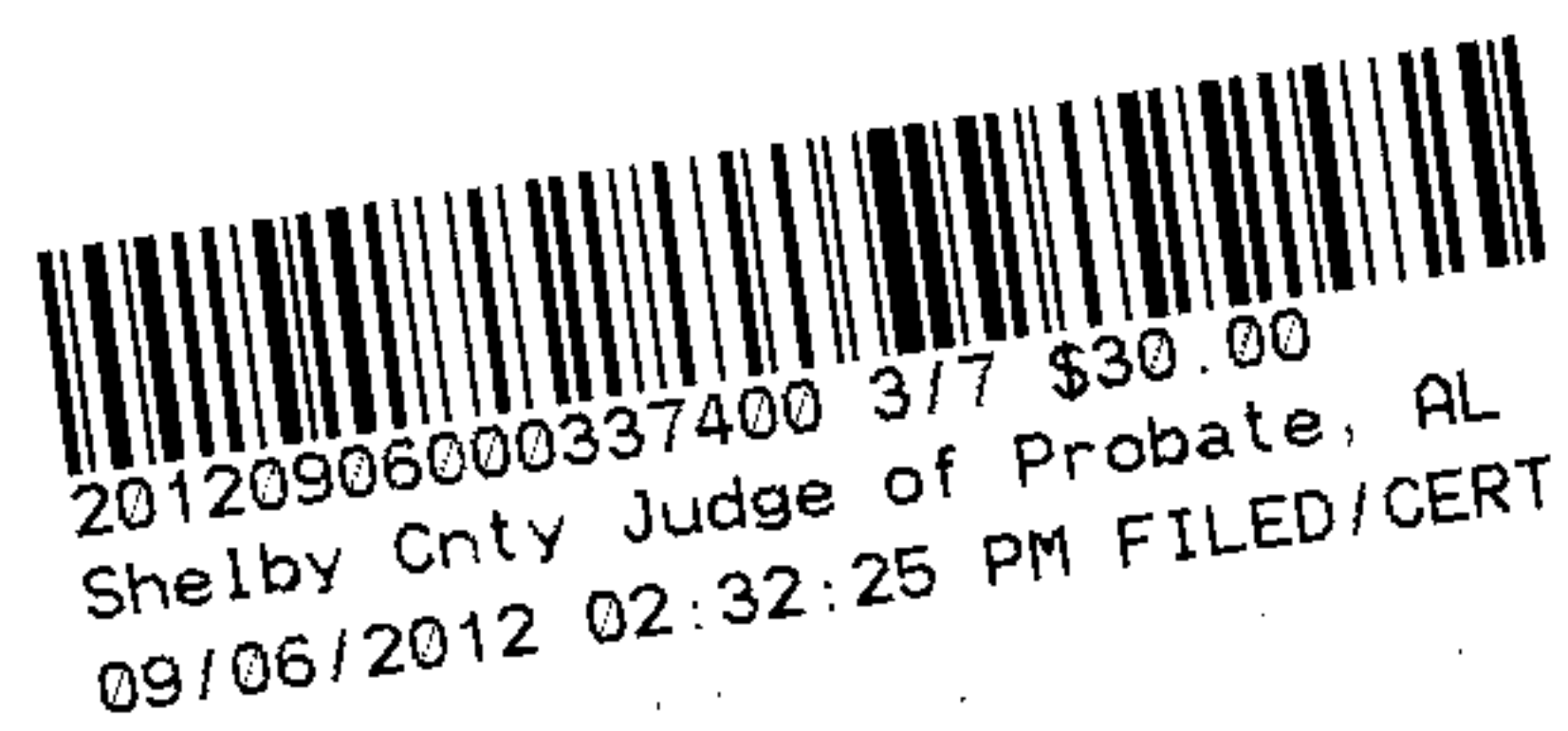
A part of Lots 18 and 19, Block 45 according to the J. H. Dunstan's Map of the Town of Calera, Alabama, recorded in the Probate Judge's office of Shelby County, Alabama:

Commence at the Southwest corner of said Lot 19 and run East along the South line of said lot a distance of 146 feet, more or less, to the intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less, to the intersection of the top edge of a ditch running East and West; thence run West 146 feet along the top edge of said ditch to the intersection with the West line of Lot 18 of said subdivision; thence run South along the West line of said Lots 18 and 19 a distance of 49 feet to the point of beginning of said lot.

Therefore, the Court determines that the Plaintiffs, Gary Alton Glass and Stephanie S. Glass are the true and lawful owners of the following described property under both the ten (10) year boundary rule and the twenty (20) year prescription rule as they exist in Alabama:

A part of Lots 18 and 19, Block 45 according to the J. H. Dunstan's Map of the Town of Calera, Alabama, recorded in the Probate Judge's office of Shelby County, Alabama:

Commence at the Southwest corner of said Lot 19 and run East along the South line of said lot a distance of 146 feet, more or less, to the intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less, to the intersection of the top edge of a ditch running East and West; thence run West 146 feet along the top edge of said ditch to the intersection with the West line of said Lot 18 of said subdivision; thence run South along the West line of said Lots 18 and 19 a distance of 49 feet to the point of beginning of said lot.



The Court finds from all the evidence presented to it that the Plaintiff, Rebecca S. Allen and her predecessors in title have been in the actual open, notorious, adverse, hostile and continuous possession of the following described property as further shown on Exhibit "A" to this Decree, for a period of at least twenty (20) years prior to the commencement of this action:

A part of Lots 18 and 19, Block 45 according to the J. H. Dunstan's Map of the Town of Calera, Alabama, recorded in the Probate Judge's office of Shelby County, Alabama:

Commence at the Southeast corner of said Lot 19 and run West along the South line of said Lot 19 a distance of 44 feet to the point of intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less, to its intersection with the top edge of a ditch running East and West; thence run East 4 feet along the top edge of said ditch to a point; thence run South, parallel to said chain link fence 5 feet; thence run East, parallel to the top edge of said ditch a distance of 37 feet, more or less, to a point on the East line of said Lot 18; thence run South along said East line of Lots 18 and 19 a distance of 37 feet, more or less, to the point of beginning.

Therefore, the Court determines that the Plaintiff, Rebecca S. Allen is the true and lawful owner of the following described property under both the ten (10) year boundary rule and the twenty (20) year prescription rule as they exist in Alabama:

A part of Lots 18 and 19, Block 45 according to the J. H. Dunstan's Map of the Town of Calera, Alabama, recorded in the Probate Judge's office of Shelby County, Alabama:

Commence at the Southeast corner of said Lot 19 and run West along the South line of said Lot 19 a distance of 44 feet to the point of intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less, to its intersection with the top edge of a ditch running East and West; thence run East 4 feet along the top edge of said ditch to a point; thence run South, parallel to said chain link fence 5 feet; thence run East, parallel to the top edge of said ditch a distance of 37 feet, more or less, to a point on the East line of said Lot 18; thence run South along said East line of Lots 18 and 19 a distance of 37 feet, more or less, to the point of beginning.

Based on the evidence received at the trial of this case and the Declaration by the Defendant, Central State Bank, the Court reforms that certain mortgage dated 7-1-08 and recorded in the Shelby County Probate Judge's office at Instrument # 20080701000266810 to exclude the following described properties:

A part of Lots 18 and 19, Block 45 according to the J. H. Dunstan's Map of the Town of Calera, Alabama, recorded in the Probate Judge's office of Shelby County, Alabama:

Commence at the Southwest corner of said Lot 19 and run East along the South line of said lot a distance of 146 feet, more or less, to the intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less, to the intersection of the top edge of a ditch running East and West; thence run West 146 feet along the top edge of said ditch to the intersection with the West line of Lot 18 of said subdivision; thence run South along the West line of said Lots 18 and 19 a distance of 49 feet to the point of beginning of said lot.

Commence at the Southeast corner of said Lot 19 and run West along the South line of said Lot 19 a distance of 44 feet to the point of intersection with a chain link fence running North and South; thence run North along said chain link fence a distance of 43 feet, more or less, to its intersection with the top edge of a ditch running East and West; thence run East 4 feet along the top edge of said ditch to a point; thence run South, parallel to said chain link fence 5 feet; thence run East, parallel to the top edge of said ditch a distance of 37 feet, more or less, to a point on the East line of said Lot 18; thence run South along said East line of Lots 18 and 19 a distance of 37 feet, more or less, to the point of beginning.

No buildings or other improvements are located on said excluded property. Except for said exclusion, said mortgage remains in full force and effect.

All other claims asserted by either party to this action are DISMISSED, WITH PREJUDICE.

The Clerk of this Court is hereby directed to file this Final Judgment in the Real Property Index in the office of the Judge of Probate of Shelby County, Alabama.

Costs of this action are taxed as paid.

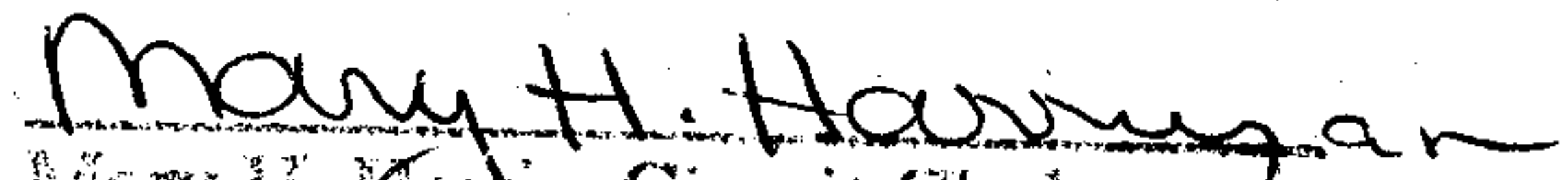
DONE and ORDERED this 16th day of December, 2011.



H. L. Conwill,
Circuit Judge

Certified a true and correct copy

Date: 9-6-12



Mary H. Harris, Circuit Clerk
Shelby County, Alabama



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S 01°14'14" E
200.00'

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Shelby Cnty Judge of Probate, AL
09/06/2012 02:32:25 PM FILED/CERT

top edge of ditch

land mark

ditch

top edge of ditch

concrete

1 1/2" PIPE
IN PLACE

Blas

N 88°38'06" E
190.13'

chain
link fence

ditch

EDGE OF
RIP RAP

1/2" CAPPED
REBAR IN PLACE

Allen

SE corner
of lot 19

SW corner
of lot 19
Block 45

J.H. Dunstan's
MAP of Calera, Alabama

EXHIBIT A

S 01°17'11" E
199.77'

14.71'

6.09'