



ELECTRONICALLY FILED  
6/27/2019 8:33 AM  
58-CV-2008-000116.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

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

**RECEIVED**

14 AUG 2019

Allison S. Boyd  
Judge Of Probate

**CAROL LOUISE BATES SIMMONS,** )  
**as Personal Representative of the** )  
**ESTATE OF MARGARET K. BATES,** )  
**et al.,** )

**Plaintiff,** )

**v.** )

**CASE NO.: CV-2008-116**

**KAREN BATES, et al.,** )

**Defendant.** )

**FINAL ORDER OF SALE AND DISTRIBUTION OF NET PROCEEDS**

The Court finds of record that Carol Louise Bates Simmons as personal representative of the Estate of Margaret K. Bates, deceased, (Estate) Plaintiff, filed a Motion for Approval or Order of Sale and Distribution of Net Proceeds with this Court on April 18, 2019, and after Notice of the Hearing of said Motion set for May 8, 2019, 9:00 am was given to attorney William R. Justice, and all the Defendants, the Court proceeded with the hearing of said Motion.

At the hearing held on May 8, 2019, 9:00am, with the attorney for the Plaintiffs and one of the Defendants Delores Bates, pro se, present, the Court after hearing arguments and receiving an affidavit of the personal representative into evidence finds that all the allegations in Motion are true and well taken, that it is in due form and that the prayer for relief therein should be granted, it is therefore,

**ORDERED, ADJUDGED AND DECREED by the Court:**

1. The decedent's home described in the Motion and located at 2516 Valleydale Road, Birmingham, Shelby County, Alabama 35244 shall be



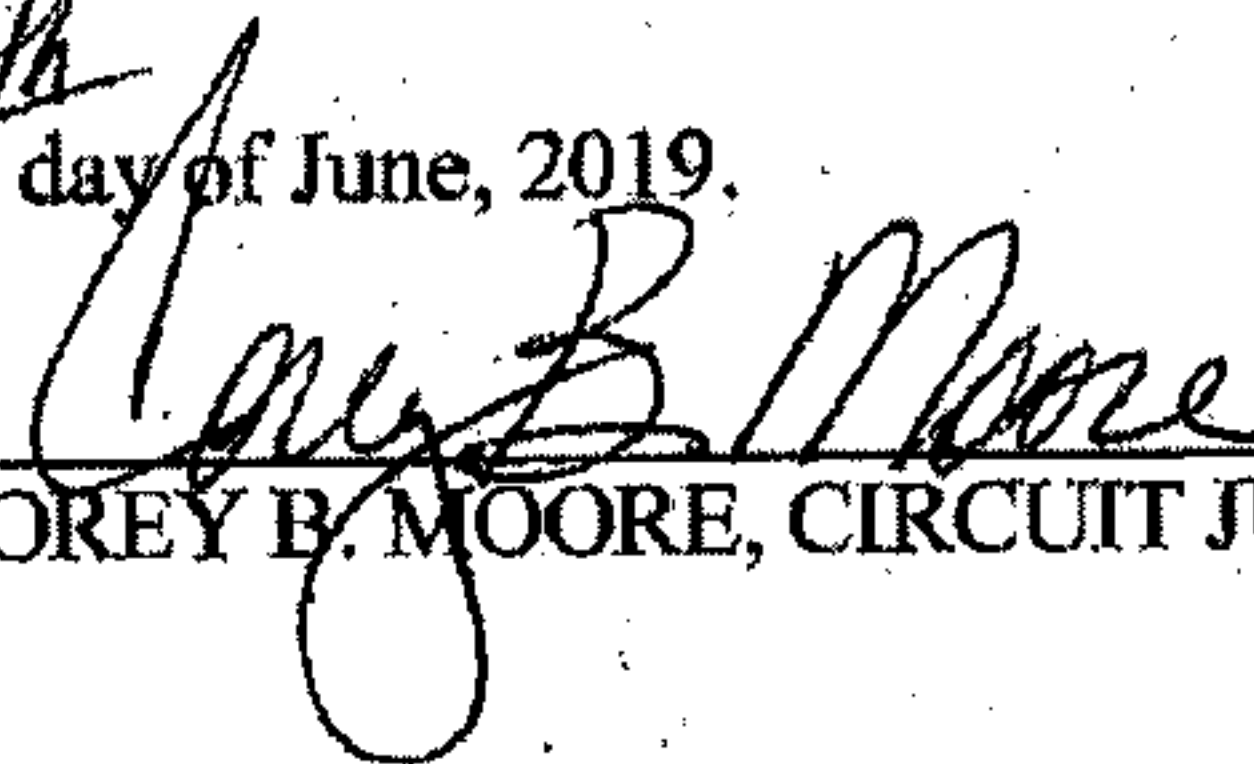
20190815000296120 1/9 \$39.00  
Shelby Cnty Judge of Probate, AL  
08/15/2019 08:36:09 AM FILED/CERT

sold under the terms and conditions of that certain real estate sales contract attached to the Motion, dated March 24, 2019, signed by all the Plaintiffs as sellers and James Kirkwood and Ann K. Kirkwood as buyers. The deed of sale shall be executed by all those grantors shown in that Order of Judgment rendered by the Circuit Court of Shelby County, Alabama June 22, 2017 in the above styled matter, however if any grantor fails to affix his or her name, before a notary public, to the deed of sale and anyother closing documents as required for closing and return same to the personal representative in the return envelope provided within 21 days from the date the deed is mailed by registered or certified by U.S. Mail to a grantor, then this Court grants the personal representative of the decedent's estate, Carol Louise Bates Simmons, a judicial limited power of attorney as Agent on behalf of any grantor who fails to return the deed and closing documents executed as described in this paragraph, to execute the deed by signing the said grantors name by the above power granted in this Order, therefore 100.0% of the title to the home by this Order shall in fact have been convey by a deed of sale properly executed.

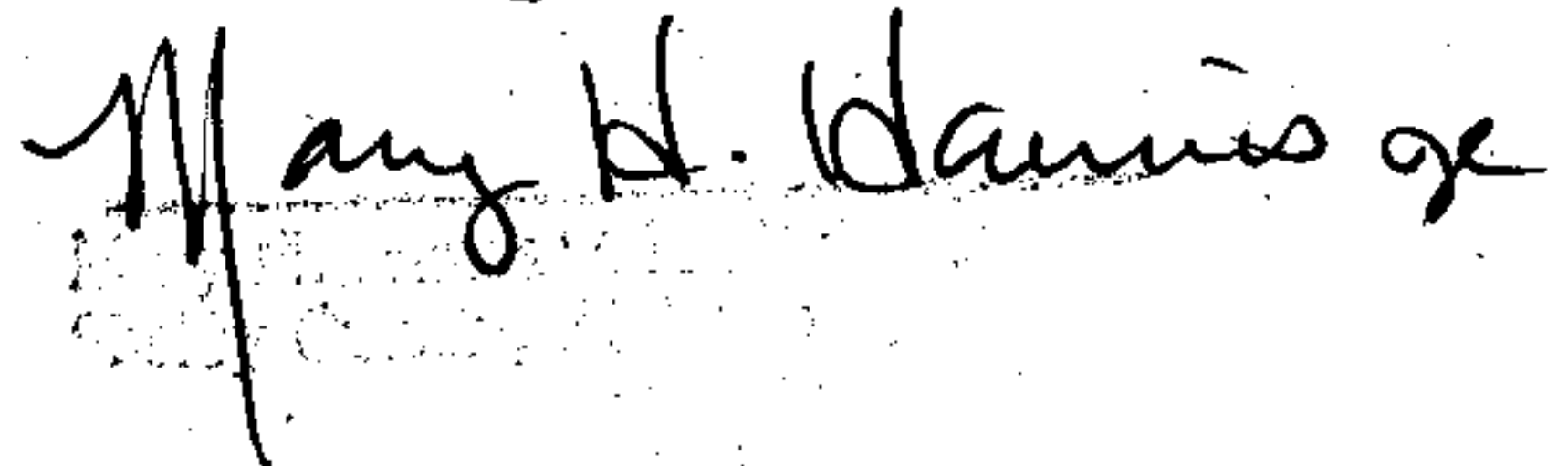
2. Further at closing of the sale, the closing attorney or agent is directed before disbursing the Net to the Sellers as described below and after satisfying that certain mortgage from the decedent to Regions Bank (formerly AmSouth Bank) recorded 5/31/2001 in Instrument 2001-21868 in the office of the Judge of Probate of Shelby County, Alabama and paying other amounts as required by the sales contract, to pay Carol Louise Bates Simmons (Carol), individually the amount shown on the attached "Schedule 1." and identified as Supplemental Exhibit "A" which represents personal loans made by Carol to the Estate of Margaret K. Bates over the period of the administration of the estate, all of which were applied by the estate to the expenses of establishing and confirming ownership of the above home and maintenance of the Regions Bank mortgage and of the real estate itself.

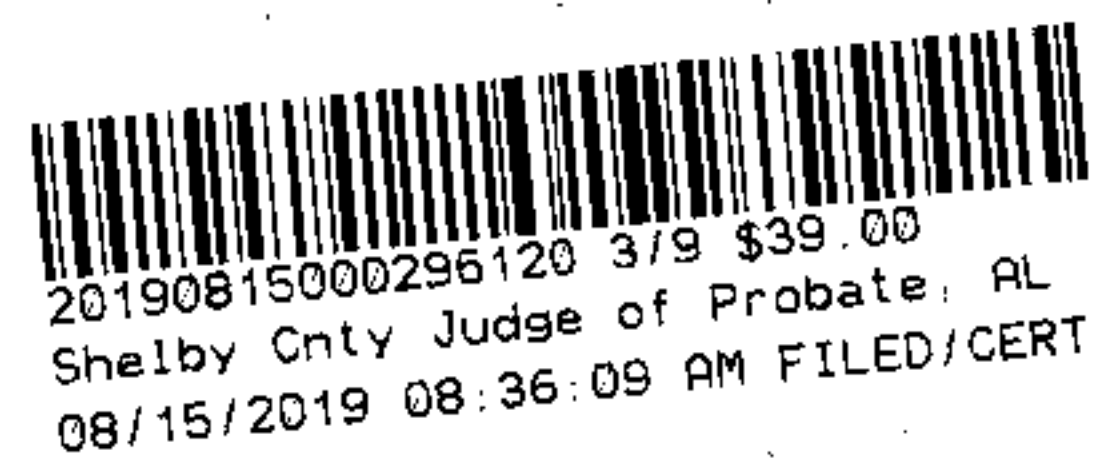
3. Further the closing agent or attorney is then directed after payments are made as described in the above paragraph 2. to deliver a check representing the Net Proceeds of the Sale payable to the law firm of Wallace, Jordan, Ratliff & Brandt, 800 Shades Creek Parkway, Suite 400 Birmingham, Alabama 35209 to the attention of John R. Martin, attorney and the law firm is directed to disburse the proceeds to the grantors in the percentage amounts shown in that certain Order of Judgment rendered by the Circuit Court of Shelby County, Alabama June 22, 2017 in the above styled matter and attached hereto as Exhibit "B". This Order was rendered in the Bill to Quiet Title filed by the personal representative of the estate on February 4, 2008. Any unclaimed amounts due a grantor(s) either by failure to personally execute the Deed of Sale or otherwise within a reasonable period after the closing of the sales contract shall be delivered to this Court and held by the Court until same is claimed by the said grantor or transferred as provided by Alabama Statute.
4. Counsel for the plaintiff is DIRECTED to record this Order in the Office of the Judge of Probate of Shelby County, Alabama.

DONE and ORDERED this 27<sup>th</sup> day of June, 2019.

  
COREY B. MOORE, CIRCUIT JUDGE

8-7-2019

  
Mary H. Danner

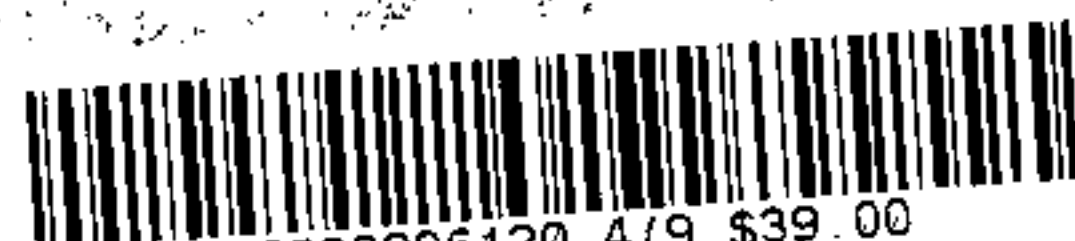


## Schedule 1

## Supplemental Exhibit "A" June 2019

## Amounts Forwarded from Exhibit "A"

|                                                                     | Taxes     | Interest  | Insurance | Legal     |
|---------------------------------------------------------------------|-----------|-----------|-----------|-----------|
| Amounts as of 12/31/18                                              | 10,175.74 | 34,201.97 | 10,345.60 | 10,581.40 |
| Payments made 1/1/19 to 5/31/19                                     | 0         | 2,243.44  | 0         | 654       |
| Total to 5/31/19                                                    | 10,175.74 | 36,445.41 | 10,345.60 | 11,235.40 |
| Remaining expenses estimated thru<br>distributions of sale proceeds | 0         |           | 0         | 7,353.00  |
| Grant Total of Expenses                                             | 10,175.74 | 36,445.41 | 10,345.60 | 18,688.40 |
| Amount loaned by Carol Simmons<br>over life of sale of real estate  |           |           |           | 75,655.15 |



20190815000296120 4/9 \$39.00  
Shelby Cnty Judge of Probate, AL  
08/15/2019 08:36:09 AM FILED/CERT

Estimated Disbursement to  
family after closing 8/20/19

Net from closing before  
Mortgage payoff

199,806

Less

Mortgage payoff (est. date closing)  
8/20/19

102,799

Loan amount due Carol Simmons

75,555

Net to be distributed to  
Grantors under deed closing 8/20/19  
Estimated amounts and date

21,352



20190815000296120 5/9 \$39.00  
Shelby Cnty Judge of Probate, AL  
08/15/2019 08:36:09 AM FILED/CERT

## Estimated Distribution of Sales Proceeds of Valleydale Home 2019

Closing date of 8/20/19

Net from Sale Prior to Mortgage Payoff \$ 199,806.00

Less Mortgage as of 8/20/19 \$ 102,799.00

Less expenses of case \$ 75,655.00  
Loan by Carol Simmons

Available for Distribution % \$ 21,352.00

Estate of Margaret Bates 50% \$ 10,676.00

Carol Louise Bates Simmons 12.5% \$ 2,669.00

Richard Winslett Bates 12.5% \$ 2,669.00

Timothy Joel Bates 12.5% \$ 2,669.00

Delores Bates 2.5% \$ 533.80

Chris Bates 2.5% \$ 533.80

Brenda Bates Hopper 2.5% \$ 533.80

Joshua Robert Stricklin 0.83% \$ 177.22

Zachary Lee Bates 0.83% \$ 177.22

Elyse Keaton Bates 0.84% \$ 179.36

Carl Rebecca Bates Davis 0.625% \$ 133.45

Stephanie Lynn Bates Hall 0.625% \$ 133.45

Jason Stephen Bates 0.625% \$ 133.45

Paula Price 0.3125% \$ 66.73

Jerry Price 0.3125% \$ 66.73



20190815000296120 6/9 \$39.00  
Shelby Cnty Judge of Probate, AL  
08/15/2019 08:36:09 AM FILED/CERT

EXHIBIT

"B"



ELECTRONICALLY FILED  
6/22/2019 4:10 PM  
SH-CV-2008-000116-00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY

CAROL LOUISE BATES SYMONS,  
as personal representative of the  
ESTATE OF MARGARET K. BATES,  
et al.,

Plaintiffs,

v.

KAREN BATES, et al.,

Defendants.

CIVIL ACTION NO.:

CV-2008-116



20190815000296120 7/9 \$39.00  
Shelby Cnty Judge of Probate, AL  
08/15/2019 08:36:09 AM FILED/CERT

**ORDER OF JUDGMENT**

This matter came before the Court on the Motion for Summary Judgment filed by plaintiff Carol Louise Bates Simmons, as personal representative of the Estate of Margaret K. Bates. Plaintiff, via said motion, submitted a Joint Stipulation to Entry of Judgment by Consent executed by parties to this action except defendant Cari Rebecca Bates Davis. Counsel and defendant Debra Bates attended the hearing of the Motion for Summary Judgment, with defendant Davis failing to attend or opposing said motion in any manner. Having considered said Motion for Summary Judgment and the premises demonstrated therein, as well as the Joint Stipulation executed by the vast majority of the parties, this Court finds that the motion is well taken and that judgment is due to be entered in this action as follows:

1. The Court finds that the parties to this action are entitled to share as described herein interests in the two (2) parcels of real property at issue in the above-styled action to quiet title and which is situated in Shelby County, Alabama, located at 2516 Valleydale Road, Birmingham, Alabama 35244 and more specifically described as follows:

Begin at the Southwest corner of the NW 3 of the SE 3 of Section 16, Township 19 South, Range 2 West; thence run southerly along the West boundary line of the SW 3 of the SE 3 of Section 16, Township 19 South, Range 2 West for 114.16 feet, more or less, to a point on the North Right of Way line of Shelby County Road No. 17 (Valley Dale Road); thence turn an angle of 124 Degrees, 42 minutes to the left and run Northeasterly along the North Right of Way line of said road for 100.0 feet; thence turn an angle of 04 Degrees, 29 Minutes to the left and continue

Northeasterly along the North Right of Way line of said road for 100.0 feet; thence turn an angle of 04 Degrees, 45 minutes to the left and continue Northeasterly along the North Right of Way line of said road for 100.0 feet; thence turn an angle of 05 Degrees, 20 minutes to the left and continue Northeasterly along the North Right of Way line of said road for 100.0 feet; thence turn an angle of 75 degrees, 12 minutes, 15 seconds to the left and run Northwesterly 524.62 feet, more or less, to a point on the West boundary line of the NW3 of the SE3 of Section 16, Township 19 South, Range 2 West; thence run Southerly along the West boundary line of the NW3 of the SE3 of Section 16, Township 19 South, Range 2 West for 583.69 feet to the point of beginning.

This land being a part of the West half of the SE3 of Section 16, Township 19 South, Range 2 West, and being 1.4752 acres, more or less;

and,

Commencing at the Southwest corner of the NW3 of the SE3 of Section 16, Township 19 South, Range 2 West, run Northerly along the West Boundary line of the said NW3 of the SE3 of Section 16, Township 19 South, Range 2 West, for 583.69 feet to the point of beginning of the land herein described and conveyed; from the point of beginning continue Northerly along the said West boundary line for a distance of 124.2 feet; thence turn an angle of 141 degrees 51 minutes to the right and run Southeastely for a distance of 324.4 feet; thence turn an angle of 39 degrees 31 minutes to the right and run Southerly for a distance of 62.1 feet; thence turn an angle of 43 degrees 33 minutes to the left and run Southeastely for a distance of 225.65 feet to a point on the Northwest Right of Way line of County Road No. 17; Thence turn an angle of 78 degrees 38 minutes to the right and run Southwestely along the Northwest Right of Way line of said County Road for a distance of 90.1 feet; thence turn an angle of 109 degrees 06 minutes 45 seconds to the right and run for a distance in a Northwesterly direction for 524.62 feet, more or less, to the point of beginning.

This land being a part of the NW3 of the SE3 of Section 16, Township 19 South, Range 2 West and containing 0.99 acres, more or less.

(said parcels shall be hereinafter referred to together as the AProperty).

2. Judgment is hereby ENTERED to declare the Court's specific finding that the interests of the parties in said Property are divided as follows:

|                             |       |
|-----------------------------|-------|
| Estate of Margaret K. Bates | 50%   |
| Carol Louise Bates Simmons  | 12.5% |
| Richard Winslett Bates      | 12.5% |
| Timothy Joel Bates          | 12.5% |
| Dakores Bates               | 2.5%  |
| Chris Bates                 | 2.5%  |
| Brenda Bates Hopper         | 2.5%  |



|                                          |         |
|------------------------------------------|---------|
| Joshua Robert Stricklin (formerly Bates) | 0.83%   |
| Zackery Lee Bates                        | 0.83%   |
| Elyse Kanton Bates                       | 0.84%   |
| Carl Rebecca Bates Davis                 | 0.625%  |
| Stephanie Lynn Bates Hall                | 0.625%  |
| Jason Stephen Bates                      | 0.625%  |
| Paula Price                              | 0.3125% |
| Jerry Price                              | 0.3125% |

3. The Court makes its findings herein in order to quiet title in the subject Property as to all parties to this action as listed in the preceding paragraph. The Court retains jurisdiction in this action to address the reformation claim and to approve any subsequent sale of the Property and the distribution of proceeds of such sale as shall be necessary. In the event all parties shall agree to such sale, the parties and/or their counsel are instructed to report to the Court any such sale in order to obtain final closure of this action. Pursuant to Rule 54(b) of the Alabama Rules of Civil Procedure and in order to make this a final order, the Court specifically finds that there is no just reason for delay and specifically directs the immediate entry of judgment to quiet the title to the Property in the parties as provided herein.

4. Counsel for the plaintiff is DIRECTED to record this Judgment in the Office of the Judge of Probate of Shelby County, Alabama. *Cooks are stayed as pending.*

Done this the 22<sup>nd</sup> day of June, 2017.

*[Signature]*  
COREY B. MOORE  
CIRCUIT JUDGE

cc: I. Todd Miner, Esq.  
William R. Justice, Esq.



20190815000296120 9/9 \$39.00  
Shelby Cnty Judge of Probate, AL  
08/15/2019 08:36:09 AM FILED/CERT