

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

GRIFFIN ROSE,
 DOWDELL SALLIE M.,
 CROSS GLENDA,
 RHINE EUGENE ET AL,
 Plaintiffs,

V.

VULCAN LANDS, INC. C/O CSC
 LAWYERS,
 RYAN CECIL,
 TRICE CARSUNDRA AS EXECUTOR
 OF THE WILL OF,
 UNKNOWN HEIRS OF REICE BELL
 MALACHI ET AL,
 Defendants.



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 Shelby Cnty Judge of Probate, AL
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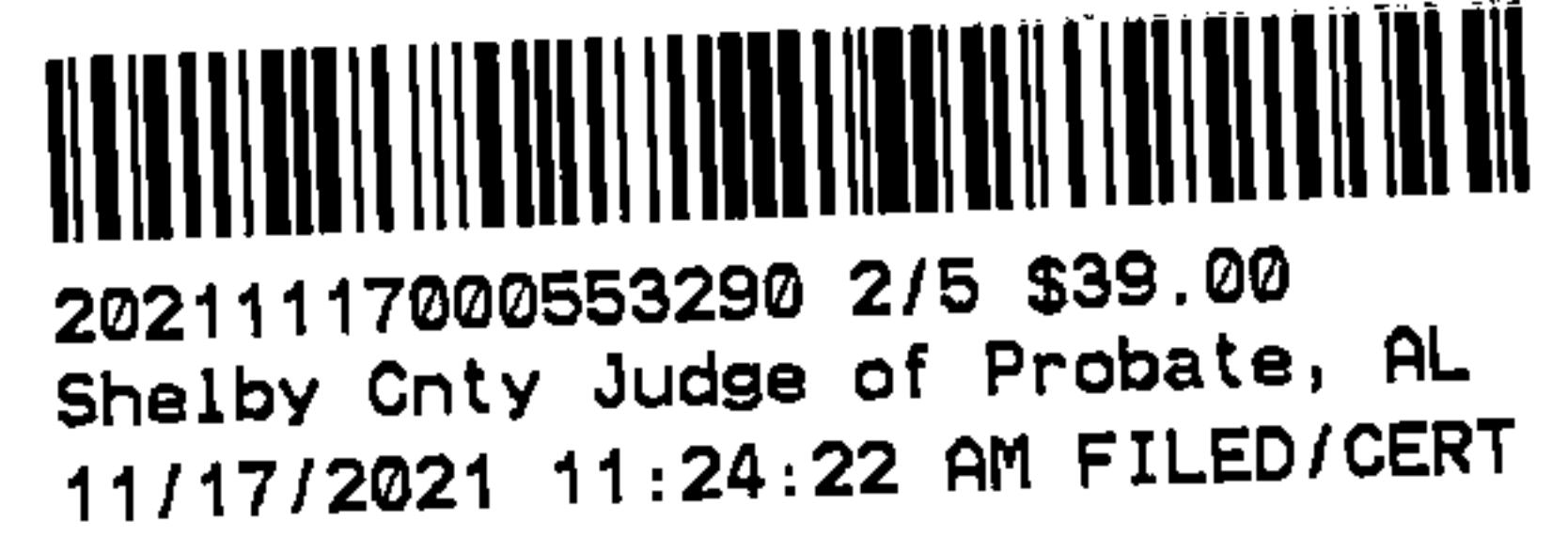
Case No.: CV-2011-900831.00

FINAL ORDER AND JUDGMENT

This cause comes before the Court on the Joint Motion for Entry of Consent Judgment. The Court conducted an evidentiary hearing in connection with the joint motion on July 20, 2021, at which the Court received evidence, including testimony in person or by affidavit from Ronald Rhine, Avon Malachi, Alexandria Woods, and Timothy Peoples.

1. Following consideration of the joint motion and the evidence received by the Court at the evidentiary hearing, the Court finds and decrees as follows:
 - a On September 7, 2011, 14 plaintiffs filed this lawsuit seeking to partition and sell a parcel of property pursuant to Alabama Code § 35-6-20 et seq. As of the date of the evidentiary hearing, 23 individual plaintiffs assert an interest in Parcel 1.
 - b The property at issue in this Order is described as follows:

The Southeast ¼ of the Northwest ¼ of Section 8, Township 22
 South, Range 2 West of the Huntsville Principal Meridian, Shelby



County, Alabama.

This property is hereafter described as "Parcel 1".

- c Pursuant to Ala. Code § 35-6-20 et seq., this Court has jurisdiction and authority to declare the rights, titles, and interest of all the known and unknown parties to such action and grant judgment accordingly.
- d Publication notice of the action was provided to all known and unknown individuals with an interest pursuant to Ala. R. Civ. P. 4.3 and Ala. Code § 35-6-25.
- e No individuals claiming an ownership interest to Parcel 1 appeared within 30 days of the conclusion of the publication notice.
- f On January 7, 2021, the Court appointed Guardian ad litem Jarred Welborn to represent Reice Bell Malachi (aka Rissie B. Lasley) and her heirs or devisees, if deceased, Willie Rhine and his heirs or devisees, if deceased, all unknown heirs or devisees of Celia Groce (aka Sealie Hunter Gross) and anyone else having an interest or claiming any title, encumbrance, or lien on either of the properties that are the subject of this action.
- g On July 20, 2021, the Court held an evidentiary hearing. At the evidentiary hearing Ronald Rhine, Avon Malachi, Alexandria Woods, and Timothy Peoples testified under oath in person or by affidavit concerning the ownership interests in Parcel 1.
- h Ronald Rhine testified under oath to the death of Plaintiff Denzel Rhine and the passing of his 1/352 interest through intestate succession to his sole daughter, Milah Giselle Rhine. Milah Giselle Rhine's mother, Leigh Ann Allen, has been



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authorized by order of the Shelby County Probate Court to execute all deeds and such other instruments, documents, certificates, and agreements to complete the sale of Parcel 1 and receive the proceeds from the sale of Parcel 1 under the Uniform Transfers to Minors Act. See August 25, 2021 Order, In the Matter of the Estate of Milah Gisselle Rhine, Case No. PR-2021-000681 (Shelby County Probate Court). On October 8, 2021, this Court ordered that Leigh Ann Allen, as mother and next friend of minor, Milah Giselle Rhine, be added as a party to this case to represent the interests of Milah Giselle Rhine.

- i Upon consideration of the evidence presented at trial, the interests in Parcel 1 are hereby **DECLARED** as follows:

Vulcan	1/2	
Avon Malachi	1/8	
Sallie Dowdell	1/16	
Shantay Kirkland		1/16
LaTava Lasley	1/48	
Jimmie Lasley	1/48	
Henry Lasley	1/48	
Amber Lasley	1/48	
Alexandria Woods	1/48	
Julian Howard	1/48	
Rose Griffin	1/88	
Otis Rhine	1/88	
Ronald Rhine	1/88	
Glenda Cross	1/88	
Annie Joyce Rhine	1/88	
Eugene Rhine	1/88	
Sylvester Rhine	1/88	
Terry Rhine	1/88	
Latausha Rhine	1/88	
Timothy Peoples	1/88	
Adrian Hudson	1/352	
Brian Rhine	1/352	
Milah Giselle Rhine	1/352	
Marlo Rhine	1/352	

- j Pursuant to Ala. Code § 35-6-25, this declaration concerning the interests in



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Parcel 1 is binding on all such individuals represented by the Guardian ad litem and his or her heirs or devisees, regardless of whether it be later shown that such individual was or was not living at the time of the filing of the complaint.

2. The agreement between Vulcan and the Plaintiffs is **APPROVED** as fair and reasonable in lieu of a public sale. In connection with the sale of the Plaintiffs' $\frac{1}{2}$ interest in Parcel 1 to Vulcan, it is hereby **ORDERED** that:
- a Vulcan shall pay \$250,000 for the collective $\frac{1}{2}$ interest in Parcel 1 of the 23 plaintiffs listed above.
 - b Vulcan shall make the \$250,000 payment to Martin Evans as counsel for Plaintiffs within 30 days following entry of this judgment. Mr. Evans shall disburse to each plaintiff their proportionate share of the funds as soon as practicable after Vulcan is provided a Release Agreement and a Quitclaim Deed (the form of such documents having been agreed by the parties) executed by each of the 23 plaintiffs, or their successors as the case may be, who are selling to Vulcan their respective interest in Parcel 1.
 - c Once Mr. Evans receives the \$250,000 payment from Vulcan, he shall pay from it the fees of the Guardian ad litem. Once payment is made to the Guardian ad litem, Mr. Evans shall distribute the payment of Shantay Kirkland's $\frac{1}{16}$ th interest to Mr. Jameis Davidson, who shall deduct his attorney's fees and costs in conformity with his agreement to Mrs. Kirkland and then distribute the remaining funds to Mrs. Kirkland. As to the remaining 22 plaintiffs, Mr. Evans shall deduct his attorneys' fees and costs in conformity with the agreements between the 22 plaintiffs and Mr. Evans. Mr. Evans shall thereafter distribute



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the remaining funds to the 22 plaintiffs in proportion to the individual ownership interests in Parcel 1.

- d Notwithstanding the execution and delivery of the above referenced Quitclaim deeds by Plaintiffs to Vulcan, upon entry of this Order and payment of \$250,000 to Martin Evans pursuant to sub paragraph "b." above, Vulcan will take Plaintiffs' collective $\frac{1}{2}$ interest in Parcel 1, resulting in 100% fee simple interest of Parcel 1 vesting in Vulcan, and Vulcan will have marketable and all fee simple ownership interest in Parcel 1.
- e Pursuant to Ala. Code § 35-6-25, this judgment concerning Parcel 1 is binding on all such individuals represented by the Guardian ad litem and his or her heirs or devisees, regardless of whether it be later shown that such idual was or was not living at the time of the filing of the complaint.

3. For the aforementioned reasons, it is hereby **ORDERED, ADJUDGED** and **DECREED** that, pursuant to Ala. Code § 35-6-20 et seq., Vulcan is the 100% fee simple titleholder with marketable title in Parcel 1, and Plaintiffs' claim against Vulcan concerning Parcel 1 be dismissed with prejudice, with costs taxed as paid.

DONE this 28th day of October, 2021.

/s/ LARA M ALVIS
CIRCUIT JUDGE

Certified a true and correct copy

Date: 11/17/21

Mary H Harris
Mary H Harris Circuit Clerk
Shelby County, Alabama