

IN THE CIRCUIT COURT OF SHELBY COUNTY,

BARRY RODGERS,

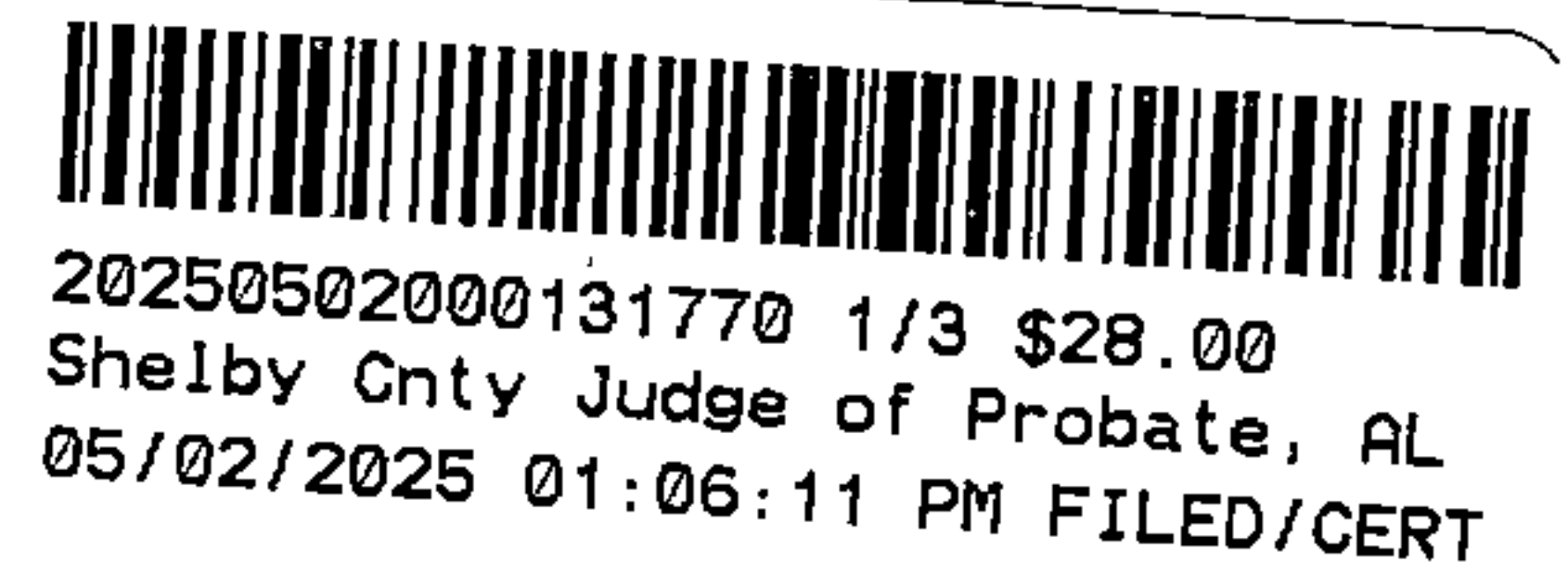
Plaintiff,

v.

RAYMOND W. GOTHARD and  
REBECCA S. GOTHARD,

Defendants.

CASE NO. CV-2023-900184



ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

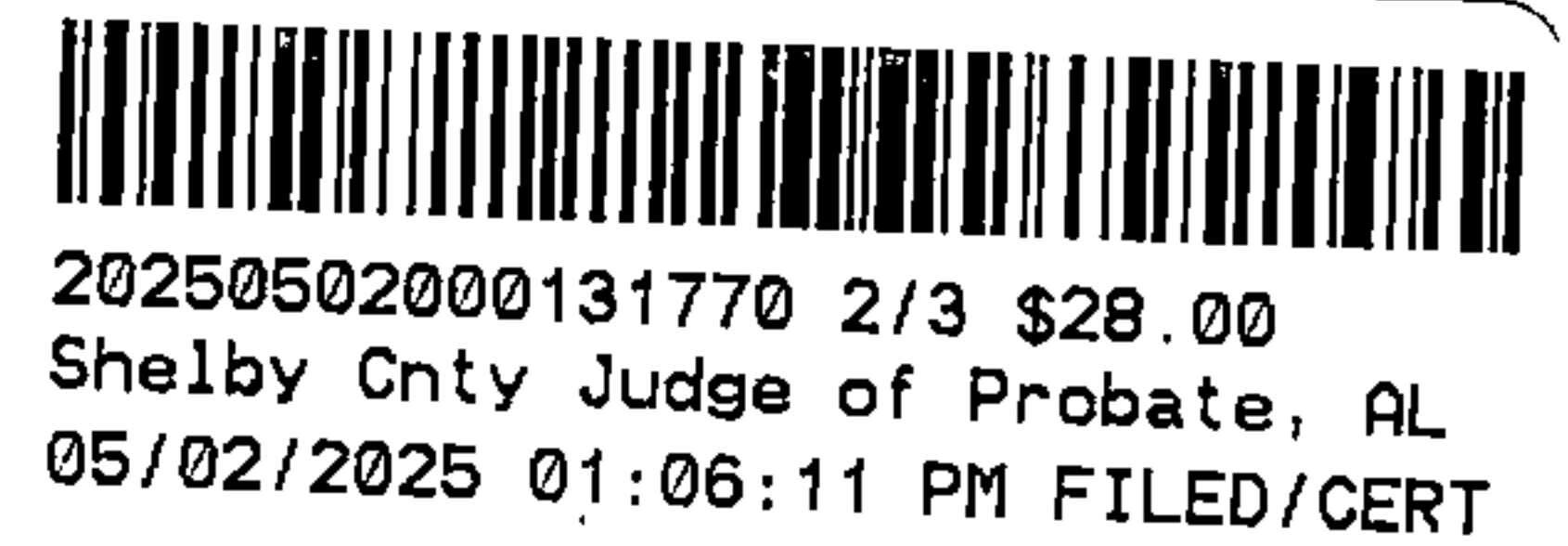
Plaintiff Barry Rodgers ("Rodgers") has moved this Court for summary judgment in his favor on his complaint against Defendants Raymond W. Gothard and Rebecca S. Gothard (collectively "Gothards"). The following facts are undisputed:

1. The parties own tracts of land in Shelby County, Alabama, sharing a coterminous boundary along the western portion of the southern boundary of Rodgers' land and the eastern portion of the northern boundary of the Gothards' land. Rodgers is the holder of the record title to his land as described in his recorded deeds as follows:

A parcel of land in the SW 1/4 of the NW 1/4 of Section 22, Township 19 South, Range 1 East, Shelby County, Alabama, described as follows: Commence at the Southwest corner of said 1/4-1/4 section; thence run East along the South 1/4-1/4 line 857.28 feet to the point of beginning; thence continue last course 210.0 feet; thence turn left 89 deg. 21 min. 36 sec. and run North 210.0 feet; thence turn left 90 deg. 38 min. 24 sec. and run West 210.0 feet; thence turn left 89 deg. 21 min. 36 sec. and run South 210.0 feet to the point of beginning.

2. The Gothards are the holders of the record title to the land lying immediately to the southwest of and contiguous with a portion of Rodgers' land, as described in their recorded deed as follows:

Certified a true and correct copy  
Date: 05/02/25  
*Mary H. Harris*  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama



A tract of land situated in the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 19 South, Range 1 East, Shelby County, Alabama, and further described as follows: commence at the Northwest corner of said 1/4-1/4 Section; thence run in an Easterly direction along the North line thereof a distance of 493.34 feet to the point of beginning of said parcel; thence continue in last described direction a distance of 408.25 feet; thence an angle right of 74 deg. 22 min. 13 sec. and run in a Southeasterly direction a distance of 565.88 feet; thence an angle right of 78 deg. 10 min. 46 sec. and run Southwesterly a distance of 219.5 feet to the Northeast line of the Alabama Power company's Transmission Line easement; thence an angle right of 87 deg. 55 min. 39 sec. and run in a Northwesterly direction along said easement line a distance of 742.55 feet to the point of beginning.

3. As shown on their deed, the Gothards' property is subject to a 40-foot-wide easement along the north line of the property, and a road named Holly Lane is located within that easement. Rodgers and the Gothards access their properties using Holly Lane, which extends east from Highway 55 in Sterrett, Alabama, to the subject properties and beyond. Other property owners also use Holly Lane to access their properties. Holly Lane is Rodgers' sole means of access to his property.

4. When Rodgers purchased his land in 1988, the grantor deeded to him the easements necessary to access Rodgers' property through Holly Lane. Rodgers leaves and enters his property through a circular driveway connected to Holly Lane that he constructed in 1999 and that is located mostly on his property. The western prong of the circular driveway attaches to Holly Lane and is located within the 40-foot easement described in his deeds and mentioned in the Gothards' deed.

5. Rodgers has used Holly Lane as access to his property for over 20 years, and his use was under color of title and was uninterrupted, open, continuous, and under claim of right, with actual or presumptive knowledge of the Gothards.

The Court finds that there is no genuine issue of material fact and Rodgers is entitled to judgment as a matter of law upon either or both of the counts of his complaint, and



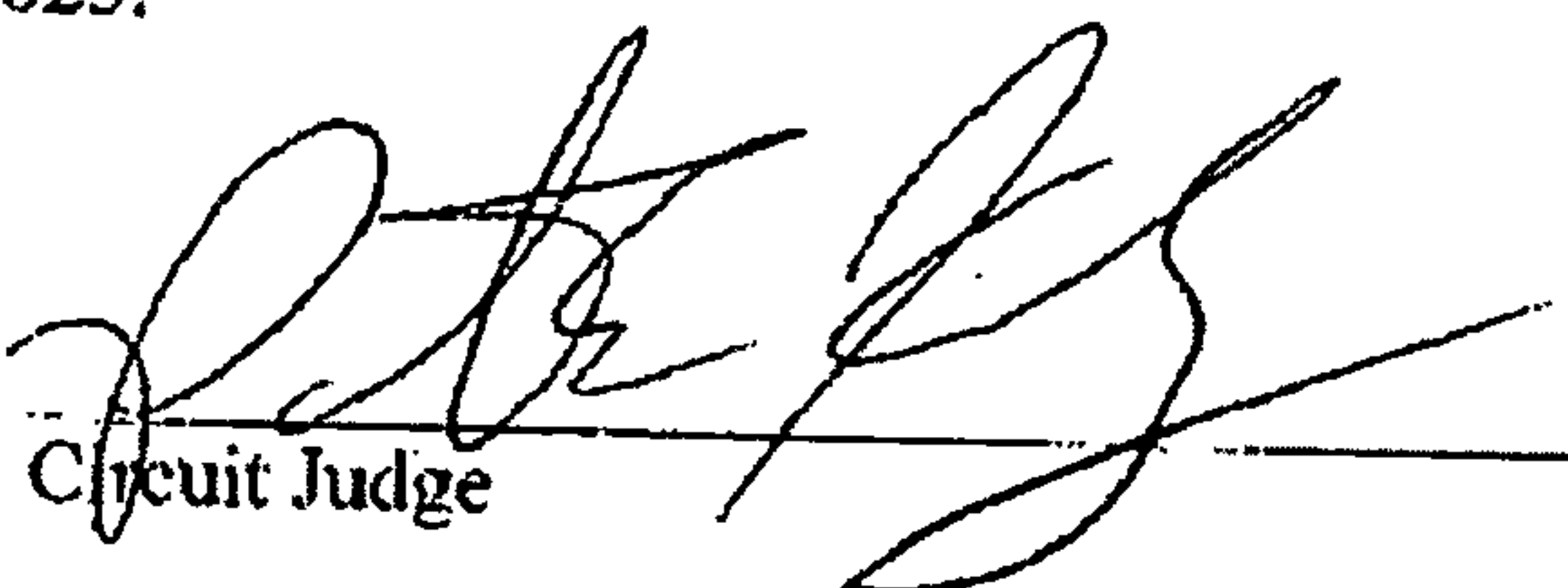


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Shelby Cnty Judge of Probate, AL  
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IT IS THEREFORE ORDERED, ADJUDGED and DECREED as follows:

- A. Rodgers' motion for summary judgment is granted.
- B. Rodgers has and owns an appurtenant non-exclusive easement by adverse possession under color of title and by prescription, for ingress and egress to his above-described property over the existing easement and road known as Holly Lane, across and along the northern line of the above-described Gothard property.
- C. The Gothards are permanently enjoined from interfering with Rodgers' use of the easement, including, more specifically, from blocking Holly Lane at the western entrance of his circular driveway.
- D. Costs are hereby taxed against the Defendants.

This 3<sup>rd</sup> day of March, 2025.

  
Circuit Judge