

IN THE PROBATE COURT OF BALDWIN COUNTY, ALABAMA

IN RE: FOSTER

*

*

Case Number 44538

PRIVATE CEMETERY

APPLICATION TO ESTABLISH PRIVATE CEMETERY

COME NOW PATRICK E. FOSTER and KAYE B. FOSTER who hereby make application for the location and establishment of a private family cemetery on the following described real property situated in the County of Baldwin, State of Alabama, to-wit:

SEE EXHIBIT "A"

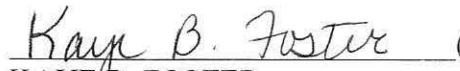
Three documents have been attached hereto and are made a part hereof by reference:

- 1) A survey plat of the above described property dated _____.
- 2) A photocopy of a "Deed to Establish Private Cemetery" which Patrick E. Foster and Kaye B. Foster anticipate executing upon approval of the application contained herein; said deed vests title to the subject land in the Co-Trustees of the "Foster Family Cemetery" and sets out the rights, power, obligations and privileges of the Co-Trustees in connection with the operation of said private cemetery.
- 3) A photocopy of proposed "Rules and Restrictions for the Foster Family Cemetery".

The undersigned respectfully pray that this Court shall grant this application and issue a license to the undersigned to establish said private cemetery.

RESPECTFULLY SUBMITTED this 18th day of July, 2024..

 (SEAL)
PATRICK E. FOSTER

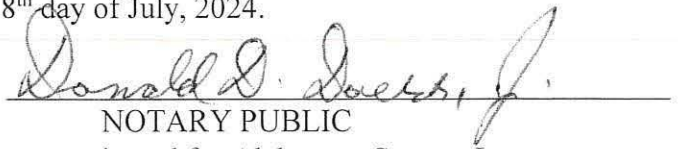
 (SEAL)
KAYE B. FOSTER

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Donald D. Doerr, Jr., a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared PATRICK E. FOSTER and KAYE B. FOSTER, to me known to be the persons described in and they executed the foregoing instrument and they acknowledged before me that, being informed of the contents of the same, they voluntarily signed and delivered the within foregoing instrument on the day and year therein mentioned.

Given under my hand and seal, this 18th day of July, 2024.

A handwritten signature in cursive script, reading "Donald D. Doerr, Jr.", is written over a horizontal line.

NOTARY PUBLIC

in and for Alabama - State at Large

My Commission Expires: 03/04/2023

Affix Seal

Baldwin County, Alabama

Harry D'Olive, Jr.

Judge Of Probate

Filed Feb 24 2025 1:50 PM

1. All bearings shown hereon are relative to GRID NORTH. GRID NORTH was obtained by G.P.S. observations.
2. Corner monuments shown as set iron pins are are 5/8" reinforcing bars with a durable plastic cap stamped "26623".
3. Only Select Fixed Iron or Improvements shown hereon.
4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from this surveyor.
5. No inclusions of record reflecting encumbrances, right of ways, and/or ownership will be inserted, this surveyor, except as shown or noted.
6. No underground installations or improvements have been located, except as shown or noted.
7. The survey was prepared without the benefit of an abstract of title or a title search, unless stated hereon. No liability is assumed by the undersigned for loss relating to any matter that might be discovered by an abstract, title search, or legal judgement rendered on the property.
8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

Commencing at a CORNER MONUMENT at the LOCAL VERTICAL CURVE of the
SE 1/4 of SECTION 28, T. 1 N. P. 2 E., DAWSON COUNTY, ALA. where 8505.75', a distance of
364.44 feet to a POINT; thence north, a distance of 113.45 feet to a SET BACK CAPED REBAR;
thence TO THE POINT OF BEGINNING; thence 209.32' 32", a distance of 60.00 feet to a SET BACK
CAPED REBAR, thence 583.30', a distance of 60.46 feet to a SET BACK CAPED REBAR;
thence 262.29' 15", a distance of 66.00 feet to a SET BACK CAPED REBAR;
thence 2300.07', a distance of 60.46 feet, to the POINT OF BEGINNING, said parcel containing 0.15
acres, more or less.



DAVID LOWERY
SURVEYING, L.L.C.

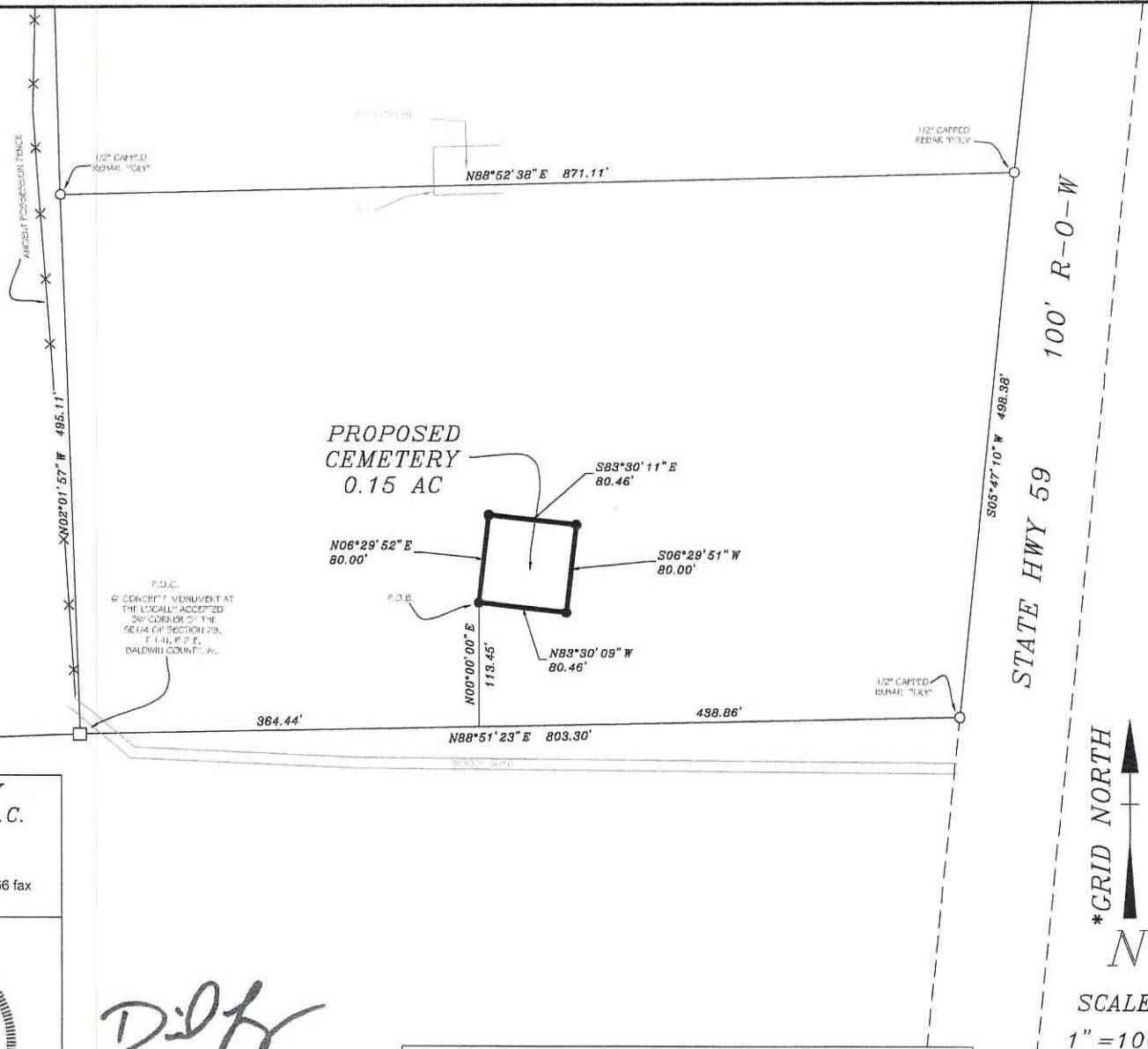
251-937-2757 ph. 251-937-2756 fax
dlsurvey25@hotmail.com

LEGEND AND SYMBOLS

(**)	RECORD BEARING/DISTANCE
OE	OVERHEAD ELECTRIC
●	SET IRON PIN
○	FOUND IRON PIN
△	PIN NOT SET
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
~	NOT TO SCALE
✕	FENCE
■	FENCE CORNER POST
□	CONCRETE MONUMENT



David Lowery
Al Lic No 26623
5528-4 Martin Ln.
Stockton, AL 36579
251-937-2757



I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plat or map of a survey performed by me or under my supervision, containing the acreage and being situate as both shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

*GRID NORTH
N
SCALE
1" = 100'

DAVID LOWERY SURVEYING, L.L.C.

BALDWIN COUNTY, ALABAMA
HARRY D'OLIVE, JR. PROBATE JUDGE
Filed cert. 1/21/2020 10:52 AM
DEED TAX \$ 155.00
TOTAL \$ 177.30
1 Pages

1806697

STATE OF ALABAMA
BALDWIN COUNTY

WARRANTY DEED
WITH RIGHT OF SURVIVORSHIP

KNOW ALL MEN BY THESE PRESENTS: That WE, SCOTT FULLER and TERRI FULLER, husband and wife, hereinafter referred to as the Grantors, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, the receipt of which is hereby acknowledged, do grant, bargain, sell and convey unto PATRICK E. FOSTER and KAYE B. FOSTER, husband and wife, as joint tenants with the right of survivorship, hereinafter referred to as Grantees, a fee simple interest in the following described real estate situated in Baldwin County, Alabama, described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Southeast Quarter of Section 23, Township 1 North, Range 2 East, Baldwin County, Alabama; thence run North 495.00 feet to a point; thence run South 89 degrees, 08 minutes, 19 seconds East, 871.91 feet to a point on the West right-of-way of State Highway 59; thence run South 07 degrees, 53 minutes, 40 seconds West along said West right-of-way, 498.70 feet to a point; thence run North 89 degrees, 08 minutes, 19 seconds West, 803.41 feet to the point of beginning; and as shown on that certain survey by Polysurveying of Mobile dated March 24, 1999.

Having a street address of 55055 State Highway 59, Bay Minette, AL 36507 and containing 9.2 acres.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. Right of way granted to Baldwin County, recorded in Deed Book 74, Page 337.
2. Title to minerals within and underlying the premises, together with all mining rights and other rights, privileges and immunities relating thereto as recorded in Instrument #495383, wherein Carrie Jean Bryars Smith reserved for herself, her heirs and assigns, all mineral rights to the property.

3. The easement and right of ingress and egress for a road or drive from Highway 59 granted to Charles Henry Bryars, Jr. and his heirs for access to their adjacent properties.
4. Driveway easement from Carrie Jean Bryars Smith to Tensas Partner, Ltd., dated May 26, 1996 and recorded as Instrument #494923.

The recording references refer to the records in the Office of the Judge of Probate of Baldwin County, Alabama, unless otherwise indicated.

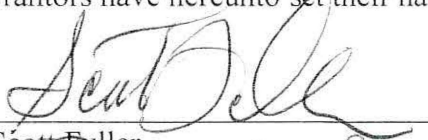
And being the same property conveyed to the Grantors by warranty deed of H. William Wasden, a single man, dated March 30, 2015 and recorded April 2, 2015 as Instrument #1506171.

TOGETHER WILL ALL AND SINGULAR, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in anywise appertaining;


TO HAVE AND TO HOLD unto the said Grantees, in fee simple as joint tenants and, upon the death of either, to the survivor, in fee simple.

The parties of the first part, for themselves, hereby covenant and warrant to and with the said parties of the second part, their heirs and assigns, that they are seized of an indefeasible estate in and to the said property; that they have a good right to convey the same as herein contained; that they will guarantee the peaceable possession thereof; that the said property is free from all liens and encumbrances, and that they will, and their heirs and assigns will forever warrant and defend the same unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons.

30 IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on this, the day of December, 2019.



Scott Fuller

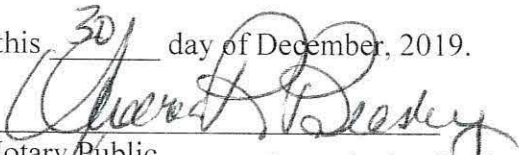


Terri Fuller

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned notary public in and for said state and county aforesaid, hereby certify that Scott Fuller and Terri Fuller, husband and wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the foregoing conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 30 day of December, 2019.


Notary Public **My Commission Expires 11/6/2022**
My Commission Expires: _____

Grantors' Address:

P.O. Box 517
Stockton, AL 36579

Grantees' Address:

1209 Forest Park Avenue
Bay Minette, AL 36507

THIS DEED PREPARED BY:

Donald D. Doerr, Jr.
Doerr Law Firm
124 Courthouse Square
Post Office Box 1057
Bay Minette, AL 36507
(251) 937-7412

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name Scott & Jerri Fuller
Mailing Address P.O. Box 517
Stockton, AL 36579

Grantee's Name Patrick & Kaye Foster
Mailing Address 1209 Forest Park Ave
Bay Minn, AL 36507

Property Address _____

Date of Sale _____
Total Purchase Price \$ 155,000.00
or
Actual Value \$ _____
or
Assessor's Market Value \$ _____

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- ☐ Bill of Sale ☐ Appraisal
☐ Sales Contract ☐ Other _____
☐ Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date 1/21/2020

Print Kaye B. Foster

Unattested

Sign Kaye B. Foster

(verified by)

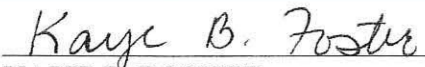
(Grantor/Grantee/Owner/Agent) circle one

Form RT-1

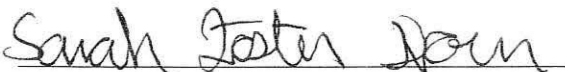
- 8) In assigning burial plots, the Trustees shall take all reasonable steps to see that husbands and wives are buried in adjacent graves and that children (who are under the age of 18 and are unmarried at the time of death) are buried beside their parents.

IN WITNESS WHEREOF, we, the undersigned, being the Trustees of the "Foster Family Cemetery" have attached our hands and seals on the dates which appear under our respective signatures.


PATRICK E. FOSTER


KAYE B. FOSTER


TIMOTHY D. DOERR


SARAH FOSTER DOERR

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Donald D. Doerr, Jr., a Notary Public duly authorized in the state and county aforesaid to take acknowledgments, hereby certify, that on this day, before me personally appeared PATRICK E. FOSTER, to me known to be the person described in and who, as Co-Trustee, executed the foregoing instrument and he/she acknowledged before me that, being informed of the contents of the same, he/she voluntarily signed and delivered the within foregoing instrument on the day and year therein mentioned.

Given under my hand and seal, this 18th day of July, 2024


NOTARY PUBLIC
in and for Alabama - State at Large
My Commission Expires: 03/03/2027

Affix Seal

This instrument prepared by
Donald D. Doerr, Jr.
Attorney at Law
P.O. Box 1057
Bay Minette, Alabama 36507