

5040

J. I. McCORMICK, et al,

PLAINTIFF,

VS.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. E-84675

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 1,
Township 21 South, Range 3 West,
Except, I-65 Highway right of
way; The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 1,
Township 21 South, Range 3 West,
Except tract sold to Judge Allen as
described in Deed Book 89, page 27;
The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1,
Township 21 South, Range 3 West,
Except two acres sold to Will and
Lillie J. Watts as described in
Deed Book 43, page 64, and also except
one acre sold to W. M. Clark as described
in Deed Book 39, page 259, all in the
Probate Office of Shelby County,
Alabama; The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the
SE $\frac{1}{4}$, Except I-65 service road right
of way; The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of
Section 1, Township 21 South, Range
3 West, Except lot sold to Fletcher
Swayne described as follows: Begin
at the SW corner of said forty and
run thence East along the South
forty line 630 feet; thence North
210 feet; thence West 630 feet to
said forty line; thence South 210
feet to the point of beginning of
said exception. Also except lot
sold to Mattie and Davies Harris
as described in Deed Book 210, page
569 and except tract sold to Ed and
Nettie Norris as described in Deed
Book 205, page 619, and except tract
sold to Clifford Moore as described
in Deed Book 216, page 669, and except
tract sold to James Ross as described
in Deed Book 250, page 523, also
excepting right of way of U. S. Highway
No. 31 and excepting right of way of
U. S. Highway I-65, and subject to
easement to Alabama Power Company;
Henry Jones, his heirs or devisees,
if deceased; Mary Jones, her heirs
or devisees, if deceased; C. C. Murrah,
his heirs or devisees, if deceased;
L. A. Murrah, her heirs or devisees,
if deceased; Armstead Griffin, his
heirs or devisees, if deceased; Israel
Floyd, his heirs or devisees, if
deceased; Charley Albritton, his heirs
or devisees, if deceased; Henry Tolbert;
Armstead Griffin, Israel Floyd, Charley
Albritton, and Henry Tolbert, as trustees
or their successors in office, as
Trustees of the Primitive Baptist Church
in America, Primitive Baptist Church,
an unincorporated association; Ethel
Swiney, her heirs or devisees, if deceased;
R. A. Garner, his heirs or devisees, if
deceased; Frank Jones, his heirs or
devisees, if deceased; W. R. Turman, his
heirs or devisees, if deceased; Joshua
Reese, his heirs or devisees, if deceased;
John Floyd, his heirs or devisees, if
deceased; and such persons and the
heirs or devisees of such persons, if



19760511000042730 1/3 \$.00
Shelby Cnty Judge of Probate, AL
05/11/1976 12:00:00AM FILED/CERT

BOOK 208 PAGE 582

deceased, who, unknown to the plaintiffs)
claim or are reputed to claim any title to)
or interest in, or lien or encumbrance on)
said lands or any part thereof, and all)
claimants, persons, associations, or corp-)
orations who unknown to the plaintiff claim)
or are reputed to claim an interest in or)
to the above described property or any)
part thereof,)



19760511000042730 2/3 \$.00
Shelby Cnty Judge of Probate, AL
05/11/1976 12:00:00AM FILED/CERT

DEFENDANTS)

FINAL DECREE

This cause coming on to be heard upon the verified bill of complaint heretofore filed in said cause, the default judgment rendered herein, the appointment of Guardian ad Litem and Answer of Guardian ad Litem and testimony under oath of the witnesses in said cause, and the pleadings and proof as shown by the file in said cause, the court considering only such proof and testimony as is relevant, materials, competent, and legal, finds that the plaintiff is entitled to the relief prayed for and it is therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That this cause was properly brought as an in rem action against said lands and against the parties to said cause.

2. That the plaintiffs are the owners of said lands described in the complaint and have an absolute fee simple title thereto, free of all liens or encumbrances, except the lien for non-delinquent ad valorem taxes, and plaintiffs' title to said land is hereby established and all doubts and disputes concerning the same are hereby cleared up, said property situated in Shelby County, Alabama, and more particularly described as follows:

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 1, Township 21 South, Range 3 West, Except I-65 Highway right of way; the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 1, Township 21 South, Range 3 West, Except tract sold to Judge Allen as described in Deed Book 89, page 27; The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West, Except two acres sold to Will and Lillie J. Watts as described in Deed Book 43, page 64, and also except one acre sold to W. M. Clark as described in Deed Book 39, page 259, all in the Probate Office of Shelby County, Alabama; The E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Except I-65 service road right of way; The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West, Except lot sold to Fletcher Swayne described as follows: Begin at the SW corner of said forty and run thence East along the South forty line 630 feet; thence North 210 feet; thence West 630 feet to said forty line; thence South 210 feet to the point of beginning of said exception. Also except lot sold to Mattie and Davies Harris as described in Deed Book 210, page 569, and except tract sold to Ed and Nettie Norris as described in Deed Book 205, page 619, and except tract sold to Clifford Moore as described in Deed Book 216, page 669, and except tract sold to James Ross as described in Deed Book 250, page 523, also excepting right of way of U. S. Highway No. 31 and excepting right of way of U. S. Highway I-65 and subject to easement to Alabama Power Company. Also Less and Except the following: Commence at the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and run in a Northerly direction along the West line of said $\frac{1}{4}$ $\frac{1}{4}$ for a distance of 454.70 feet to a point; thence turn an angle to the right of 92 deg. 50' 03" and run in an Easterly direction for a distance of 168.92 feet to the point of beginning of the property herein described; from the point of beginning, thence turn an angle to the right of 72 deg. 47' 00" and run in a Southeasterly direction for a distance of 210 feet to a point; thence turn an angle to the left of 90 deg. 00' and run in a Northeasterly direction for a distance of 210 feet; thence turn an angle to the left of 90 deg. 00' and run in a Northwesterly direction for a distance of 210 feet to a point; thence turn an angle to the left of 90 deg. 00' and run in a Southwesterly direction for a distance of 210 feet to the point of beginning, said parcel contains 1.01 acres.

3. That none of the defendants in this cause nor any other person, firm, or corporation, has any right, title or interest, or lien or encumbrance on said land or any part thereof, and all right, title and interest of said defendants and all other persons, firms or corporations is hereby divested out of said defendants and vested into the plaintiffs.

4. A certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and be indexed in the name of J. I. McCormick; Edward Osborn and Harold Jack Hughes, Executors of the Estate of C. O. Osborn, Harold Jack Hughes, Edward Osborn and J. B. Bartlett, Trustees of a Trust including real property described herein which was created by the Last Will and Testament of C. O. Osborn, Deceased, on both the direct and indirect index of record thereof.

5. The guardian ad litem in this cause is awarded the amount of \$50.00 as payment for his services as such guardian ad litem, the same to be taxed as a part of the costs herein.

6. The plaintiffs shall pay the costs of this proceeding, for which let execution issue.

Done this 11th day of May, 1976.

19760511000042730 3/3 \$.00
Shelby Cnty Judge of Probate, AL
05/11/1976 12:00:00AM FILED/CERT

James H. Sharbitt
Circuit Judge

Conrad M. Osborn
JUDGE OF PROBATE

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
MAY 11 AM 11:46

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, Kyle Lansford, Register of the Circuit Court of Shelby County, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the final decree entered in the above and foregoing suit.

Witness my hand and seal of office this the 11th day of May, 1976.

Kyle Lansford
Register

FILED IN OFFICE, This the 11th day
of May 1976

Kyle Lansford

Register Circuit Court of
Shelby County, Alabama

BOOK 238 PAGE 534