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Shelby Cnty Judge of Probate, AL
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ROBERT LEE RUSSO,
and ROSEMARY RUSSO,

PLAINTIFFS,

VS.

SAMUEL C. ROBINSON, et al.,

DEFENDANTS.

IN THE EIGHTEENTH JUDICIAL

CIRCUIT OF ALABAMA

IN EQUITY

CIVIL ACTION NO. E-1365-76

FINAL DECREE

This cause coming on to be heard is submitted to the Court on a verified complaint, the Answer of the Guardian Ad Litem, and Solicitor, the Default against the defendants, Samuel C. Robinson, Mary R. Robinson, Robert Lovelady, Lois Lovelady, Charles E. Hilyer, Joyce Huett Hilyer, Hazel Carter and the heirs of Lonnie H. Carter and the Jefferson Federal Savings and Loan Association and Holyoke Savings Bank and the devisees of any one of them; the Default against the defendants, Juanita Posey, Carolyn Posey, Donna Posey Cochran and Harriett Posey Garrett, and the testimony taken in this cause as shown be the Note of Testimony.

The Court finds that notice in this cause was published for four consecutive weeks, commencing on the 18th day of November, 1976 in the Shelby County Reporter, a newspaper of general circulation published in the City of Columbiana, County of Shelby, State of Alabama, and that notice was heretofore filed in the office of the Judge of Probate of Shelby County, Alabama and appears of record in Lis Pendens Record Book 5 at pages 504 and 505.

The Court further finds that more than sixty days have now elapsed since the first publication date described above.

The Court further finds that the Guardian Ad Litem and Solicitor heretofore appointed to represent all unknown parties has accepted the appointment and has filed an Answer denying the averments of the Complaint and demanding strict proof of the same and that the said Guardian Ad Litem and Solicitor did represent the interests of all unknown parties and that the other aforesaid Defendants to this cause have failed to answer or otherwise defend

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the complaint filed herein within the time allowed by law and a default was taken against defendants, Samuel C. Robinson, Mary R. Robinson, Robert Lovelady, Lois Lovelady, Charles E. Hilyer, Joyce Huett Hilyer, Hazel Carter, and the heirs of Lonnie H. Carter and the Jefferson Federal Savings and Loan Association and Holyoke Savings Bank on February 28, 1977, and a default was taken against defendants Juanita Posey, Carolyn Posey, Donna Posey Cochran and Harriett Posey Garrett on March 16, 1977.

The Court further finds that all the defendants are over twenty one years of age and that they are all of sound mind and that none of them are in the Armed Forces of the United States of America.

The Court further finds that all persons who could have a claim in or to the said real estate described in the Complaint are before this Court and that their interest therein, if any, will be finally and conclusively determined by this decree.

The Court further finds that the Plaintiffs, at the time of filing the Complaint in this cause, claimed in their own right a fee simple title to and were in the actual, peaceable, notorious, adverse possession of the property described in the Complaint.

The Court further finds that the possession of said lands by the Plaintiffs or their predecessors in line of title has been open, continuous, actual, peaceable, notorious, and adverse for a period in excess of twenty (20) years.

The Court further finds that all the named defendants claim title, interest, right, lien or encumbrance on coterminous lands to that land described in the complaint in this cause and that the Plaintiffs took possession of said land May 23, 1969 believing the land they took possession of to be the land described in deed recorded in Book 258, page 236 in Probate Office of Shelby County, Alabama, and that plaintiff's predecessors in title adversely held the said land believing they owned said land in fee simple and that plaintiff's predecessors in title, J. Cecil Collins and wife Illa Collins, conveyed to plaintiff's grantors,



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James L. Brantley and I. V. Brantley by warranty deed dated September 3, 1955 and filed on that date in Deed Book 175, page 8 in the office of the Probate Judge of Shelby County, Alabama and that the said predecessors of plaintiffs held and conveyed said land to plaintiffs believing they owned said land in fee simple.

The Court further finds that on December 2, 1976, Bertha Martin conveyed all her right, title, interest and claim of said lands to the plaintiffs by quit claim deed recorded in Book 302, Page 517 of the office of Probate Judge of Shelby County, Alabama

The Court further finds that the Complaint filed in this cause was duly verified and at the time said Complaint was filed there was no suit pending to test their title to, interest in, or right to the possession of such lands.

The Court further finds that the Plaintiffs have exercised due diligence to ascertain the facts with regard to unknown Defendants.

Upon consideration of all the evidence presented in this cause, the Court is of the opinion that all of the averments of the Complaint are true, and that the Plaintiffs in this cause are entitled to the relief prayed for in their Complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That all persons who could possibly have a claim in or to the real estate described in the Complaint in this cause are before the Court and that their interest therein is finally and conclusively determined by this Decree.

2. That the Plaintiffs in this cause, Robert Lee Russo and Rosemary Russo, are the owners of a fee simple title in and to the real estate described in the Complaint, which said real estate is located in the County of Shelby, State of Alabama, and is more particularly described as follows, to-wit:

Commence at the Southeast corner of the S.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$, Sec. 14, Twp. 21 So., R.-3-W., Shelby County, Alabama; thence run West along the South line of said $\frac{1}{4}$ Section a distance of 254.65 feet to a point on the North R/W line of Smokey Road; thence turn an

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angle of 5°-23'-12" to the right and run a distance of 238.54 feet to an old iron; thence turn an angle of 78°-03'-03" to the right and run a distance of 196.81 feet to the point of beginning; thence turn an angle of 82°-22'-11" to the left and run a distance of 218.94 feet to a point on the Eastern R R/W line of a County Road; thence turn an angle of 80°-31'-30" to the right and run a distance of 993.10 feet to a point; thence turn an angle of 98°-16'-46" to the right and run a distance of 172.76 feet to a point; thence turn an angle of 80°-34'-06" to the right and run a distance of 767.70 feet to a point; thence turn an angle of 111°-34'-03" to the left and run a distance of 39.14 feet to a point; thence turn an angle of 71°-26'-04" to the right and run a distance of 223.20 feet to the point of beginning.

3. That none of the Defendants in this cause have any right, title, interest, claim, or encumbrance upon the real estate described in the said Complaint and in the preceding paragraph.

4. That the Guardian Ad Litem and Solicitor in this cause be and he is hereby awarded a fee in the amount of \$ 100.00.

5. That the costs of this cause be taxed against the Plaintiffs against whom let execution issue.

6. That the Register of this Court file a verified copy of this Decree in the Probate Office of Shelby County, Alabama, the county in which the real estate above described lies and that the Probate Judge index this decree under the reverse index of deeds in the following names: Robert Lee Russo and Rosemary Russo, and under the direct index of deed under the name of Samuel C. Robinson, Mary R. Robinson, Robert, Lovelady, Lois Lovelady, Charles E. Hilyer, Joyce Huett Hilyer, Hazel Carter, Juanita Posey, Carolyn Posey, Donna Posey Cochran, and Harriett Posey Garrett.

Done this the 22nd day of March, 1977



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James H. Sharbutt
Circuit Judge

SHelby County, Alabama
Circuit Court
INSTANTMENT W/ FILED

1977 MAR 22 PM 3:15

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

FILED IN OFFICE, This the 22nd day
of March, 1977

Kyle Lunsford

Register Circuit Court of
Shelby County, Alabama

Px. 10.50
Ind. 1.00
\$11.50