

ELLA MAE TILLEY
a/k/a ELLA MAE DAVIS and
ROBERT L. RIGGINS,

Plaintiffs,

VS.

DOSS O'NEAL, et als, and
Certain Land,

Defendants.

IN THE CIRCUIT COURT FOR
SHELBY COUNTY, ALABAMA
CASE NO. CV-83-127(E)

DECREE

This is an in rem quiet title action. Attorney Conrad Fowler, Jr. was appointed by the court to serve as guardian ad litem, and he was present when sworn testimony was presented to the court.

The court finds that the Plaintiffs' attorney searched the records in the Shelby County Courthouse and found that Doss O'Neal and Mack O'Neal might have some claim to the property in question, that their last known address was Vincent, Alabama, or Cropwell, Alabama, and that efforts by the Plaintiff Ella Mae Tilley and Plaintiffs' attorney to locate them or any of their heirs were fruitless. The Plaintiffs' attorney testified that a notation on the 1939 tax assessment record for the subject property indicated that Doss O'Neal and Mack O'Neal had sold the subject property to Andrew Cunningham in 1938 for \$100.00. The court further finds that Plaintiff Ella Mae Tilley and her ex-husband, Defendant Andrew D. Davis, received a deed to the property in 1952, and that they were divorced in 1963 by a Michigan court. The divorce decree provided that all property of the parties in Alabama would belong to Plaintiff Ella Mae Tilley, and that if Andrew D. Davis failed to execute a deed to Ella Mae Tilley, the divorce decree could be recorded and act as a conveyance. A copy of the divorce decree has been recorded in the Probate Office of Shelby County, Alabama, and it appears from the evidence that Defendant Andrew D. Davis has no right, title, or interest in or to the subject property. The court further finds that Ella Mae Tilley has paid taxes on the subject property since 1952, with the exception of certain parcels sold to other persons through the years.

The court further finds that Plaintiff Robert L. Riggins is one of the parties to whom Ella Mae Tilley has sold a portion of the subject property, and that Robert L. Riggins derives his title through the same conveyances as Ella Mae Tilley.

Wherefore, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff Ella Mae Tilley, a/k/a Ella Mae Davis, is the fee fimple owner of the property to be described, and that neither Doss O'Neal, Mack O'Neal, Andrew D. Davis, nor any other person has any ownership interest in or encumbrance upon the following real property:

The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and a strip of land 160 feet wide off the South side of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 18 South, Range 2 East; LESS AND EXCEPT the property deeded to Melvin White in Deed Book 283, Page 39; LESS AND EXCEPT the property deeded to Louise Brown in Deed Book 283, Page 101; LESS AND EXCEPT the property deeded to Willie Mae McCrimmon in Deed Book 292, Page 322; LESS AND EXCEPT the property deeded to Enos and Cynthia O'Neal in Deed Book 334, Page 494; LESS AND EXCEPT the property deeded to Robert L. Riggins in Deed Book 345, Page 824, all deeds being recorded in the Probate Office of Shelby County, Alabama.

That Plaintiff Robert L. Riggins is the fee simple owner of the property to be described, and that neither Doss O'Neal, Mack O'Neal, Andrew D. Davis, nor any other person has any ownership interest in or encumbrance upon the following real property:

A parcel of land located in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 18 South, Range 2 East, Shelby County, Alabama, described as follows: Commence at the Northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence run South along the East $\frac{1}{4}$ - $\frac{1}{4}$ line a distance of 247.0 feet; thence run West a distance of 555.3 feet to the center of a chert road and the point of beginning; thence continue last course a distance of 238.0 feet; thence run South a distance of 180.0 feet; thence run East a distance of 150.0 feet; thence run North a distance of 150.0 feet; thence run East a distance of 88.0 feet to the center of said chert road; thence run North along said road a distance of 30.0 feet to the point of beginning; being situated in Shelby County, Alabama. LESS AND EXCEPT the North 30.0 feet of the above described property which is reserved as a right-of-way for ingress, egress and utilities.

Conrad Fowler, Jr. is hereby awarded attorney's fees in the amount of One Hundred Twenty-Five Dollars (\$125.00), the said amount to be part of the court costs in this action. Court costs are taxed to the Plaintiffs, Ella Mae Tilley and Robert L. Riggins.

DONE and ORDERED this 3 day of August, 1983.

Deed Tax .50
Rec. 300
Ind. 100
450
STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1983 AUG -4 PM 2:05

Thomas G. Lawrence, Jr.
JUDGE OF PROBATE

Robert R. Armstrong, Jr.
Robert R. Armstrong, Jr.
CIRCUIT JUDGE

FILED IN OFFICE THIS 3 DAY
OF August 1983

Kyle Sanford

Clerk of Circuit Court
Shelby County, Alabama