DECREE

J. I. Estes and H.R. Estes, as Executors of the last Will and Testament of A. F. Estes, Deceased Plaintiff

In the Vircuit Court of Shelby Vounty, Alabama In Equity

VS CertainLands

This cause coming on to be heard on this the 28th day of November, 1928, was submitted for final decree on the pleadings and proof, testimony and evidence, as noted by the Megister, and the same being duly considered by the court, the Yourt finds that the averments of the bill of complaint are true, and that the complainants in this cause are the owners and in peaceable possession of the following described real estate, situated in Phelby Younty, Alabama, viz:

E-3/4 of Pection One; W_2 of NW of Section One; E_2 of NE of Section Two; E_2 of NW of Section Two; E_2 of NW of Section two; E_2 of Section tw

It is further considered, ordered, adjudged and decreed by the court that the complainants in this case, and those under and through whom they claim title, have been in the open, notorious, actual, uninterrupted, peaceable, exclusive, adverse possession of said lands, and have assessed said lands for taxation, and paid taxes on the same during the whole of a period of ten consecutive years, and more next preceding the filing of the till of complaint in this cause, claiming to own the same, and that they have held color of title thereto for more than ten consecutive years, next preceding the filing of the till of complaint, in this cause. That no suit was pending at the time of the filing of said till of complaint, nor is any suit now pending, other than the present one, to test the complainants: title to, interest, in or right of possession to the above described lands, and that the complainants are the owners in fee simple of said lands, and that the complainants obtained title to said land in the following man ner;

Complainants obtained title under and by virtue of the Will of A. F. stes, deceased and hold the same in their representative capacity as Executors of said Will; that said A. F. Estes obtained title to said lands through Bond for Title executed to him by W. L. Tumlin and J. W. Tumlin, on July the 12th, 1920, which bond for title is recorded in the Probate Office of Shelby Jounty, Alabama, in Deed Book 68 at page 39, and by subsequent proceedings based on said Bond for Title in a suit wherein Maude A. Tumlin was complainant and said A. F. Estes and the heirs of said W. L. Tumlin were respondents, which was pending and tried in the Circuit Court of Shelby County, Alabama. in Equity, and final decree rendered therein ordering the register to execute a deed to said A.F. Estes, which was subsequently done, and said register's deed was executed by J. M. Leonard Jr, as Register, and is recorded in the Probate Office of Shelby Vounty, Alabama, in Deed Book 78 at page 273, and also by deed of J. W. Tumlin to W. L. Rumlin, dated June 30, 1923, and which is recorded in the Probate Office of Thelby County, Alabama, in Deed Book 78 at page 172; and that said Tumlins derived title to said land from J. U. Jackson, who was in possession of it, and had color of title to it, for a number of years prior to the time he conveyed it to said Tumlins, and during the time said Jackson owned said land he was in the actual possession of it, and remained on it for a number of years, cutting timber and manufacturing lumb er, and after he sold and conveyed it to said Tumlins, as aforesaid, they were in the actual, peaceable possession of it, and but and had cut from it a considerable amount of timber, which was manufactured into lumber, and the possession of said Tumlins and said Estes and his Executors, covers a period far in excess of ten c on secutive years immediately before

the filing of the kill of complaint in this cause; and during all offesaid time the possession of said parties was open, notorious, continuous, actual, exclusive and adverse to all other persons, firms or corporations,

It is further ordered, considered, adjudged and decreed by the Court that the several allegations in the bill of complaint in this cause contained, as to the status of the title thereto, in the Probate Court of Phelby County, Alabama, and in the Probate Office of Shelby County, Alabama, are true and that the title to the several parcels of land stands in the records of the Probate Court of Shelby County, and in the Probate Office of Phelby County, Alabama, in the name of the several parties as the rein alleged, and that there are no records of conveyances out of said several parties as is alleged in the bill of complaint.

It is further ordered, considered, adjudged and decreed by the court that none of the following persons named in the bill of complaint in this cause have any right title, interest in or encumbrance on said lands, viz:

Said alvort avis, if he be living, or his unknown heirs, if he be dead; said C.Bloomingdale & Company; said J. M. Mims, if he be living or his unknown heirs if he be dead; said J. P. Crump, if he be living or his unknown heirs if he be dead; the heirs of said A. Sullivan, deceased, viz: John W. Sullivan, Charlie Sullivan, Willie Sullivan Bentley, Garoline Sullivan Shirley, Amanda Sullivan Shaw, Martin Wick, Horace Hammond, T. Hammond Heslington, Oza Mansfield, John W. Moore, J. W. Moore, Mrs. Ollie McBride, M. W. Bullivan, Zella Sullivan Jones, Jastus Sullivan, Marvin Sullivan, Robert Lee Sullivan, Plorence Sullivan Dillar d, Pharis Sullivan, Eulas Rascoe, Tivis Rascoe, Gusmer Rascoe, Tainer Rascoe Joiner, Lillian Rascoe, Estelle Rascoe Joiner, Zilphia Rascoe Carbine, Ira Rascoe, Berry Spearman, Billy Spearman, Bell Spearman, Bozeman, Laura Spearman, Mattie Henderson, Letha Roper; said Annie Sullivan, said W. G. Bowdon, if he be living or his unknown heirs if he be dead; said heirs at law of A. A. Sterrett, viz: W. C. Sterrett, Mrs. Joe T. Bobbett, Mrs.A. H. Boulware, Esther Lee Marshall, Allie B. Marshall, Mead Dowell Sterrett, Roberta Sterrett, Mrs. Mattie S. Bell, 'arrie Belle Sterrett, Mrs. Charles E. Lowe; said Mrs. S. J. Pterrett; said harles Fell, if he be living or his unknown heirs if he be dead; said heirs of J. W. Stewart, deceased; said Aquilla Brasher, if she be living or her unknown heirs if she be dead, and said Alton Gardner, if he be living or his unknown heirs if he be dead.

It is further considered, ordered, adjudged and decreed by the court that said persons here inabove named, or their unknown heirs if they be dead, though reputed to claim some right, title, interest in or encumbrance on said lands, and though calledon in the bill of complaint in this cause to set forth and specify their claim, title or interest in or encumbrance on said land, have wholly failed or refused to answer the bill of complaint in this cause, or to set forth or specify their said title, claim, interest or encumbrance in or upon saidlands involved in this suit, and it is the judgment and decree of the court that they have no title, claim, interest in, or encumbrance on said lands, as hereinabove adjudged.

It is further considered, ordered, adjudged and decreed by the court that the complainants have made diligent search and inquiry to ascertain said several persons in said bill of complaint named and as hereinbefore set out, if they be living, or the names, ages, places of residence and condition in life or their heirs if they be dead, and not with standing complainants have exercised due diligence in that regard, as aforesaid and have used due diligence to ascertain the names and addresses of any other person or persons claiming said lands or any interest therein, they have notwith-

standing been unable to obtain such information.

It further appears to the court that a notice of the pendency of said bill of complaint filed in this cause, was duly drawn and signed by the Register of said U_0 urt, and was published once a week for four consecutive weeks in The Shelby County Reporter, a weekly newspaper published in U_0 lumbiana, A_1 abama, and having a general circulation in and throughout said shelby County, where said lands lie, and that a copy of said notice, duly certified by the Register as being correct, was duly recorded as a Lis Pendens in the Probate Office of Shelby County, Alabama; and it further appearing to the Sourt that more than sixty days have elapsed since the first publication of said notice, and the filing of the certified copy of said notice in the office of the Probate Judge of Shelby County, Alabama, and that more than thirty days have elapsed since service was perfected on the various respondents by registered mail or personal servce; It is thereupon considered, ordered, adjudged and decreed by the court that title to said land hereinbefore set out is in the complainants, J. L.Estes and n.K. Estes, as Executors of the last Will and Testament of A. F.Estes, deceased.

It is further considered, ordered, adjudged and decreed by the court that the right and title of said complainants to said land be and it hereby is established and forever quieted against any and all persons claiming any title to, interest in, or lien or encumbrance on, said lands or any part thereof and that no person, other than the complainants in this cause, have any title to, interest in, lien or encumbrance on said lands, or any part thereof.

It is further considered, ordered, adjudged and decreed by the court that a certified copy of this decree be recorded in the Probate Office of Phelby County, Alabama, and the Court herebydirects that the certified copy of said decree so recorded in the Probate Office of Phelb y County, Alabama, be indexed on the direct Index in the name of "Calvert Pavis, and certain unknown heirs, to J. L.Estes and H.R.Estes, as Executors of the Last Will and Testament of A.F. Estes, deceased" and that on the indirect Index in thename of "J. L. Estes and H.R.Estes, as Executors of the last Will and Testament of A.F.Estes, deceased, advs Calvert Bavis and certain unknown heirs" and that the costs of such recordation be taxed as part of the cost of this proceeding.

It is further considered, ordered, adjudged and decreed by the court that the cost of this proceeding including a guardian ad litem fee of \$25.00 for J. L. Peters Guardian Ad Litem, be taxed against the complainants for which let execution issue.

Done in term time, this the 28thday of November, 1928.

E. S. Lyman--Judge

STATE OF ALABAMA)
SHELBY COUNTY)

I, J. M. Leonard Jr. Register of the Circuit Court of Shelty County, Alabama, in Equity, do hereby certify that the foregoing pages from one to five, both inclusive are a true and correct copy of the final decree rendered by the Judge of said Court on the 28th day of November 1928, in that certain cause then pending in said court wherein J. L.Estes and H.R.Estes, as Executors of the last Will and Testament of A. F. Estes, were complainants and certain lands and certain parties were respondents, the same being case Number 1237 on the docket of said court.

Given under my hand and seal of office this the 30th day of November, 1928.

THE STATE OF ALABAMA)
SHELBY COUNTY

I, L.B.Riddle Judge of Probate hereby certify that the within decree was filed in this office for record Dec. 3rd. 1928 at 2 oclock P.M. and recorded in Deed record 87 page 293 and examined.

L.B. riddle--Judge of Probate