

DECREE

C.C. Harless, Complainant ) In the Circuit Court of Shelby County, Alabama in Equity  
 VS )  
 Certain Lands )

This cause coming on to be heard on this the 11th day of September, 1929, was submitted for final decree on the pleadings and proof, testimony and evidence, as noted by the Register, and the same being duly considered by the court, the court finds that the averments of the bill of complaint are true, and that the complainant in this cause is the owner, and in peaceable possession of the following described real estate, situated in Shelby County, Alabama, viz:

The southeast diagonal half of the southeast quarter of the northeast quarter of Section one, Township 20, Range 3 west, being that portion of said quarter section which lies south and east of a diagonal line running from the southwest corner of said forty, in a straight line, to the northeast corner of said forty, situated in Shelby County Alabama.

It is further considered, ordered, adjudged and decreed by the court that the complainant in this cause and those under and through whom he claims title, have been in the open, notorious, continuous, 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 bill of complaint in this cause, claiming to own the same, and that he has held color of title thereto for more than ten consecutive years, next preceding the filing of the bill of complaint in this cause. That no suit was pending at the time of the filing of said bill of complaint, nor is any suit now pending, other than the present one, to test complainant's title to, interest in, or right of possession to, the above described lands, and that the complainant is the owner in fee simple of said lands; and that the complainant obtained title to said land in the following manner; His father, J. F. Harless was born in 1868- was born on said land or on land forming a larger tract of which the land embraced in this bill of complaint was a portion and lived there continuously until a short time ago, and that as far back as said J. F. Harless can remember, Henry Harless, the father of said J. F. Harless, was in the actual, open, notorious, continuous, exclusive, adverse possession of said lands, including the land embraced in this bill of complaint, claiming the same as his own, and continued in such uninterrupted possession until he died about the year 1886, and that he lived on said land as his home until his death, as aforesaid, and during all of said time no one else was in possession of any portion of said land, or made any claim thereto. That after the death of said Henry Harless said J. F. Harless and Jessie L. Patton, who were the sole heirs at law of said Henry Harless, and who were living on said land with said Henry Harless at the time of his death, continued in the actual, open, notorious, continuous, exclusive, adverse possession of said land until about the year 1896, when they had a division of said land among themselves, and the land embraced in this bill of complaint fell to the lot of said J. F. Harless, and thereafter said J. F. Harless remained in the actual, open, notorious, continuous, exclusive, adverse possession of the land embraced in this complaint until April 2, 1917, at which time he deeded said land to the complainant and since the execution of the last mentioned deed, complainant has been in the actual, open, notorious, continuous, exclusive, adverse possession of said land down to the present date, and no other person, firm or corporation has exercised any act of dominion over, or claim to, or interest in, said land other than complainant. That when said J. F. Harless deeded said land to complainant on April 2, 1917

as alleged in the bill of complaint, complainant went in possession of the land described in the bill of complaint, although there may have been some error in the description in said deed contained, and complainant has remained in the actual, open, notorious continuous, exclusive, adverse possession of said land down to the present time, and the deed of J. F. Harless and wife to complainant dated April 19, 1929, gives a correct description of said land. In order to clear up any disputes or misunderstandings in reference to the land owned in said forty by the complainant and the Atlantic Land Company, the latter has executed a deed to the complainant, which is referred to in the bill of complaint, and is dated October 30, 1928, and recorded in the Probate Office of Shelby County, Alabama, in deed book 87 at page 209.

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

It is further considered, ordered, adjudged and decreed by the court that none of the following persons referred to in the bill of complaint in this cause have any right, title, interest in or encumbrance upon said land, viz: John Oldham, if he be living, or his unknown heirs, if he be dead; E. Oldham or Elizabeth Oldham, if she be living or her unknown heirs if she be dead; Robert Oldham, if he be living or his unknown heirs if he be dead; Joel Cross, if he be living or his unknown heirs if he be dead; the unknown wife of Joel Cross, if she be living, or her unknown heirs if she be dead; the unknown heirs of Isaac P. Edwards, the unknown heirs of Richard S. Griffin; Mathew Harper, if he be living or his unknown heirs if he be dead; William B. Hale, if he be living or his unknown heirs if he be dead; James M. Hood and Eliza R. Hood, if they be living or their unknown heirs if they be dead; John Allen, if he be living, or his unknown heirs if he be dead; Jessie L. Patton; S. J. Patton; Ann Bishop, if she be living or her unknown heirs if she be dead; Margaret Angeline Bishop; Ann Bishop Dunnaway; Garland Bishop; Josie Bishop Butler; Louise Bishop; Lillie Bishop Cost; Harland Bishop; Dollie Sanders Davenport; Elias Bishop; James Bishop; J. T. Bishop, Byrd Bishop Foust; Johnnie Bishop Thompson; Elmer Lovelady Allen; Ila Lovelady Allen; Admiral Bishop; John Sanders; Viola Sanders McFarland; Lillie Bell Sanders Adams; and Ila Mae Owens.

It is further considered, ordered, adjudged and decreed by the court that said persons hereinabove 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 called on 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 said lands 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 complainant has 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 of their heirs, if they be dead, and notwithstanding complainant has exercised due diligence in that regard, as aforesaid and has used due diligence to ascertain the names and addresses of any other person or persons claiming said lands or any interest therein, has notwithstanding 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 court, and was published once a week for four consecutive weeks in The Shelby County Reporter, a weekly newspaper published in Columbiana, Alabama, 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 Court 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 service;

It is, thereupon, considered, ordered, adjudged and decreed by the court that title to said land hereinbefore set out is in the complainant, C.C. Harless.

It is further ordered, considered, adjudged and decreed by the court that the right and title of said complainant 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 complainant in this cause, has 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 Shelby County, Alabama, and the court hereby directs that the certified copy of said decree so recorded in the Probate Office of Shelby County, Alabama, be indexed in the Direct Index in the name of "John Oldham and certain unknown heirs, to C.C. Harless" and that on the Indirect Index in the name of C.C. Harless advs. John Oldham 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 \$5.00, be taxed against the complainant, for which let execution issue.

Done in term time this the 11th day of September, 1929.

E. P. Gay--Judge

THE STATE OF ALABAMA )  
SHELBY COUNTY )

I, J. M. Leonard Jr. Register of the Circuit Court of Shelby County, Alabama, in Equity do hereby certify that the foregoing is a true and correct copy of the Decree rendered by said Court in above stated cause, and which said decree is recorded in the minutes of this court.

Witness my hand and the seal of said Court, this the 11th day of September, 1929.

J. M. Leonard Jr.  
Register of the Circuit Court of  
Shelby County, Alabama in Equity.

Filed in office Sept. 11th 1929.

J.M. Leonard Jr.--Register

THE STATE OF ALABAMA )  
SHELBY COUNTY )

I, Cage Head Judge of Probate hereby certify that the within decree was filed in this office for record Sept. 13th 1929 at 2 oclock P.M. and recorded in Deed record 88 page 542 and examined,

Cage Head--Judge of Probate

