

DECREE

Anne Phillips Sturdivant, etal) In the Circuit Court of Shelby No. 1358
 Complainants) County, Alabama in Equity
 VS

Certain Lands, Respondents)

This cause coming on to be heard on this the 14th day of May, 1930, was submitted for final decree on the pleadings and proof, testimony and evidence as noted by the Register, and the same being considered by the Court the Court finds that the averments of the bill of complaint are true, and that the complainants in this cause are the owners of, and are in peaceable possession of, the following described real estate in the bill of complaint described, and situated in Shelby County, Alabama, viz:

The northeast quarter and the east half of the southeast quarter of Section 24, Township 20, Range 1 east, and the northwest quarter and the north half of the southwest quarter of Section 19, Township 20, Range 2 east, Shelby County, Alabama.

It is further ordered, considered, adjudged and decreed by the Court that the complainants in this cause, and those under and through whom they claim title, have been in the open, notorious, continuous, actual, uninterrupted, peaceable, exclusive adverse possession of said land, and have assessed said land for taxation and paid taxes

on the same during the whole of a period of ten consecutive years, and more, next before and preceding the filing of the bill 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 before and preceding the filing of the bill of complaint in this cause; that no suit was pending, at the time of the filing of the bill of complaint in this cause, nor is any suit now pending, other than the present one, to test complainants' title to, interest in or right to the possession of said land, and that the complainants are the owners, in fee simple, of said land, and that they obtained title to said land in the following manner, as in the bill of complaint alleged viz:

John R. Somerville, on the 31st day of October 1902, deeded said land to Samuel W. Phillips which deed is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 28 at page 166, and the complainants in this cause are the sole heirs at law of said Samuel W. Phillips; said land was also sold for taxes on July 3rd, 1922, and was bought in by the State, and this tax sale is shown by tax sale record Number 7, at page 558, in the probate Office of Shelby County, Alabama; and said land was, on May 12th, 1927, redeemed by the complainant, Anne Phillips Sturdivant, for the benefit of all of said complainants, who are the sole heirs at law of the said Samuel W. Phillips, who is one and the same person as S. W. Phillips, to whom said land was deeded on the 31st day of October 1902, by John R. Somerville, as aforesaid, and, at the time of said redemption from said tax sale, the complainant, Anne Phillips Sturdivant, paid the taxes thereon for the years 1921 to 1927 both inclusive.

It is further ordered, adjudged and decreed by the court that during the ten year period immediately preceeding the filing of the bill of complaint in this cause, no person, firm or corporation other than the complainants have been in possession of said land, or any part thereof, nor advanced any claim of title to, interest in, or encumbrance upon the same.

It is further considered, ordered, adjudged and decreed by the Court that the several allegations of the bill of complaint in this cause contained, as to the status of the title to said land in the Probate Court of Shelby County, Alabama, and in the Probate Office of Shelby County, Alabama, are true and that the title to said land stands on the records of the Probate Court of said County, and in the Probate Office of said

County, the county where said land is situated, in the name of the several parties, as therein alleged, and that there are no records of conveyances out of the said several parties as in the bill of complaint alleged.

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, if they be living, or their unknown heirs, if they be dead, have any right, title, interest in or encumbrance on or to said land viz : George A. Vasser, and wife, Lucinda Vasser, Samuel Davis, William S. Davis, William G. Bowden, Jonathan Harralson, William G. Bowden, and wife, Mary I. Bowden, John R. Sommerville, N. D. Key, the unknown wife of William S. Davis, the unknown wife of Jonathan Haralson, and the unknown heirs of each and all of said parties, or persons hereinbefore set out.

It is further considered, ordered, adjudged and decreed by the Court that the persons hereinbefore named or their unknown heirs, if they be dead, though reputed to claim some right or title to, interest in, or encumbrance on said land, and though called on in the bill of complaint in this cause to set forth and specify their claim, title to, 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 and specify their said claim interest in, title to or encumbrance on said land involved in this cause, and it is the judgment and decree of the court that they have no claim, title to, interest in or encumbrance on said land, as hereinbefore adjudged.

It is further considered, ordered, adjudged and decreed by the court that the complainants have made diligent search and inquiry as alleged in the bill of complaint, to ascertain said several persons, together with their names and places of residence if they be living, as in said bill of complaint named, and as hereinbefore set out, or the names, ages, places of residence and condition in life of their heirs, if they be dead, and notwithstanding complainants have exercised due diligence in that regard, as aforesaid, and have used due diligence to ascertain the names and addresses of any and all other persons claiming said land, or any interest therein they have notwithstanding been unable to obtain such information.

It is further made to appear to the court that a notice of the pendency of said bill of complaint as 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 land lies, and that a copy of said notice, duly certified by the Register as being correct, was duly recorded in the Probate Office of Shelby County, Alabama as a Lis Pendens: 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 Judge of Probate of said Shelby County, and that more than thirty days have elapsed since service was perfected as provided by law.

It is, thereupon, ordered, adjudged and decreed by the court that title to said land hereinbefore set out is in the complainants, Anne Phillips Sturdivant, Harriet Phillips Austion, Martha Phillips Brown and Evelyn M. Phillips.

It is further 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 quit against any and all persons claiming any title to, interest in, or lien or encumbrance on said land, or any part thereof and that no person, firm or corporation, other than the complainants in this cause, has any title to, interest in lien or encumbrance

on said land, 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 said Probate Court be indexed on the direct index to deeds in the name of "Samuel W. Phillips, et al, to Anne Phillips Sturdivant, et al", and that on the indirect index to deeds in the name of "Anne Phillips Sturdivant et al to Samuel W. Phillips et al" and that the cost of such recordation be taxed as part of the costs in 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 Five Dollars, be taxed against the complainants in this cause, for which let execution issue.

Done in term time, this the 14th day of May, 1930.

E. P. Gay, Judge

CERTIFICATE

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

Witness my hand and seal of office this the 17th day of May 1930.

J. M. Leonard Jr. - Register

THE STATE OF ALABAMA)

SHELBY COUNTY)

I hereby certify that the within decree was filed in this office for record May 20th 1930 at 9 o'clock A.M. and recorded in Deed record 91 page 261 and examined

Cage Head - Judge of Probate

Filed in office this 15th day of May 1930.

J. M. Leonard Jr. - Register