DECREE

J. L. Estes and H.R.Estes,) No. 1312

as Executors of the last Will and and Testament of A.F.Estes) In the Circuit Court of Shelby County, Alabama in Equity deceased.

VS)

Certain Lands, Respondents)

This cause coming on to be heard on this the 5thday of February 1930, was submitted for final decree on the pleadings and proof, testimony and evidence, and other matters as noted by the "egister and the same being considered by the court, it is ascertained by the court that personal service has been had on all of the respondents named in the bill of complaint who are known, and who reside in the State of Alabama, by having served upon them, by the Sheriff of the respective counties in which they live, a copy of the notice drawn and signed by the Register inthis cause on the 15th day of June, 1929, and that in each and all of said instances service was had more than thirtydays prior to the date of submission of this said cause, and that all of the respindents named in the bill of complaint, whose places of residence are known, and who reside without the State of Alabama, have beenserved by registered mail, as provided by law, by having served upon them by the "egister of this court, through the United States mail, as provided by law, a copy of said order drawn and signed by the Kegister of this court on the 15th day of June 1929, together with a copy of the bill of complaint in this cause, which service was had by registered mail, as afor esaid, and in strict compliant with the law in that regard, and return receipt signed by said respective respondents, showing and evidencing a delivery of said notice of said registered letter has been returned and is on file in his cause, and the persons of unsound mind, whose places of residence is known, as set out in the bill of complaint, have been eserved instrict conformity to law, and that there has been publication against the adult non tespondents and unknown heirs of the various parties mentioned in the bill of complaint, as provided by law, and that the notice signed and drawn by the Register of this court on June the 15th 1929, has been published for four consecutive weeks in the Shelby County Reporter, a weekly newspaper published in Columbiana, A abama, in the issues thereof of September 19th, 1929, September 26th, 1929, October 3rd, 1929 and October 10th 1929; and the court is also of the opinion and so finds, that the averments of the bill of complaint in this cause are true, and that the complainants in this cause are the owners of and in peaceable possession of the following described real estate, sinuated in Shelby County, Alabama, viz:

All that part of the SE_2^1 of NE_2^1 , of Section 3, which lies north of Yellow Leaf Creek; all that part of the W_2^1 of NE_2^1 of Section 3, which lies north of Yellow Leaf Creek; the NE_2^1 of Section, except the NE_2^1 of the NE_2^1 ; W_2^1 of SE_2^1 of Section 9; E_2^1 of SU_2^1 of Section 12; E_2^1 of NU_2^1 of Section 12, and W_2^1 of NE_2^1 of Section 12; NE_2^1 of Section 13; E_2^1 of NU_2^1 of Section 13; SU_2^1 of SU_2^1 of Section 13; NV_2^1 of NU_2^1 of Section 24, all in Township 20, ange 1 east. The NE_2^1 of NU_2^1 of Section 25; NE_2^1 of NU_2^1 of Section 25; NU_2^1 of Section 25; NU_2^1 of NU_2^1 of Section 26, NU_2^1 of NU_2^1 of Section 26; NU_2^1 of Section 36; NU_2^1 of Sectio

It is further ordered, 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, actual, uninterrupted, peaceable, exclusive, adverse possession of said land, and have assessed the same for taxation and aid the taxes on the same during the whole of a period of ten years consecutively, and more next preceding the filing of the bill of complaint in this cause, claiming to own the same, and that they have had 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 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 of poss ession to the above described lands, and that the complainants are the owners are the owners in fee simple of said lands, except as hereinafter set out, and that they obtained title to said land in the following manner:

The complainants obtained title under and by virtue of the Will of A. F. Estes, deceased, and hold the same in their representative capacity, as "xecutors of said Will: that said A. F. "stes obtained title to a portion of said land on the 12th day of July, 1920, by a bond for title, executed by H. L. Tumlin and J.W. Tumlin, and which bond for title is recorded in the Probate Office of Shelby County, Anabama, indeed book 68, at page 39, and subsequent proceedings in the Circuit Court of Shelby County, Alabama, in Equity, based upon said Bond for Title and wherein Maude A. ... Tumlin was Complainant and ".F. Estes and others were respondents, inwhich there was a final decree, ordering the Register of said court to execute to said A.F. Estes a deed, according to the provisions of said Bond for Title, said ${\mathbb W}$. L. Tumlin being dead and said Maude A. Tumlin being his widow and a resident of the State of Georgia and entitled under the laws of that State to the balance due on the purchase price of and for said land under said Bond for Title, and which deed was so executed by said Register on the 20th day of June 1925, and is recorded in the Probate Office of Shelby County, Alabama, in deed book 78 at page 273, and in which said land described in said bond for title was conveyed to said 4.F. Estes; and said 4.F. Estes obtained title to the balance of said land not covered insaid bond for title by deed executed by J.W. Tumlin on the 30th day of June 1923, which deed is recorded in the Probate Office of Shelby County; A, abama, in deed book 77 at page 83.

It is further considered, ordered, adjudged and decreed by the court that at the time of the execution of said Bond for Title, said W. L. Tumlin and J.W. Tumlin were inthe peaceable possession of said land described therein, and held and held color of title thereto continuously for more than ten years pruor to the execution of said bond for title, and that they procured theit title to all of said land, except as hereinafter noted, by deed executed by J. C. Jackson, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 35 at page 505; thatsaid Tumlins, or one of:them, had procured title to the southwest quarter of the northeast quarter and the east half of the northwest quarter of Section 26, and the east half of the northwest quarter and the southwest quarter of the northwest quarter of Section 25; all in township 19, Range 1 east, by deed of E. R. Richardson et al, by mmissioner on the 23rd day of March, 1909 which deed is recorded in the Probate Office of Shelby County, Anabama, in deed book 47 at page 152 and said) J.W. Tumlin procured title to the southwest quarter of Section 26, Township 19, Kange I east, by two deeds executed by J.H. Gardner et al, in 1911, which two deeds are recorded in the Probate Office of Shelby County, Alabama, respectively in deed book 35 at page 504, and deed book 50 at page 34; and said J.W. Tumlin procured title to the west half of the southwest of the southwest quarter of Section 25, Township 19, Range 1 east, by deed from Alabama

Mineral Land Company, of date June 19, 1919, which deed is recorded in deed book 76 at page 504 and said Tumlin obtained title thereto by Commissioner's Deed, dated March 23, 1909, and which is redorded in the ProbateOffice of Snelby County, Alabama, in deed book 47 at page 152; and that said J.W.Tumlin procured title to the south half of the southeast quarter of Section 26, Township 19, Range 1 east, and that portion of the southeast quarter of the northeast quarter, and that portion of the west half of the northeast quarter of Section 3, Township 20, Range 1 east, lying north of Yellow Leaf Creek, and the northwest quarter of the northeast quarter of Section 35, Township 19, Mange 1 east by deed from M. I. Bentley, on the 5th day of July 1919, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 66 at page 496.

It is further ordered, considered, adjudged and decreed by the court that said J.C.Jackson on the 21st.day of September, 1908, when he deeded said land to said Tumlins, as aforesaid, was in the peaceable possession of the land embraced and conveyed imissaid deed, and had been in the actual, open, notorious, continuous, exclusive adverse possession of the same for a number of years, and said Tumlins, upon the execution of said deed, and delivery thereof, wont immediately into possession of said land, and remained in the peaceable, actual, open, notorious, continuous, exclusive, adverse possession of same until he executed said Bond for Title to A. F.Estes, except for a short period of time, during which they had outstanding a Bond for Title thereto in favor of A. G. Lamar, W. C. Horton and W. O. Perry and during the time said Bond for Title was outstanding in said persons, they were in the peaceable, actual, open, notorious, continuous, exclusive, adverse possession of the same until they transferred said Bond for Title to A.F.Estes, at or subsequent to the time, said Tumlins executed their Bond for Title to A.F.Estes, as aforesaid.

It is further considered, ordered, adjudged and decreed by the court that said Tumlins, at the time of the exeuction of the aforementioned deeds to them covering portions of said land, title to which was derived through deeds from others than said J.C. Jackson, went into the actual, peaceable, possession of said land at the time of the execution of said aforementioned deeds, and remained in the actual, peaceable, open, notorious, continuous, exclusive, adverse possession of the same until they sold and deeded the same to A.F.Estes, as aforesaid, and as to all of said land, whether title was derived through and by virtue of said Bond for Title, and subsequent Chancery proceedings hereinabove refermed to, or under and by virtue of said several deeds through J.W. Tumlin, W. L. Tumlin, the said Tumlins and those through whom they claim title tosaid land had held color of title thereto continuously for more than ten years prior to the conveyance of said land to said A.F. Estes, and since the title to said land was conveyed to said A.F. Estes, he, during his life time, and the complainants, as "xecutors of his last Will and Testament, since his death, have continuously been in the actual, peaceable, open, notorious, continuous, exclusive, adverse possession of said land down to the present time, holding color of title thereto, as aforesaid.

It is further considered, ordered, adjudged and decreed by the court that during the time said J.C. Jackson was in possession of said land under color of title as aforesaid, and during the time he owned the same, as aforesaid, he was in the actual, peaceable, possession of it, and remained in possession of it, cutting timber and manufacturing lumber, and after he sold and conveyed the same to the said Tumlins, and after the other persons hereinbefore referred to, sold and conveyed the other

portions of said land to said Tumlins, said Tumlins were in the actual, peaceable possession of said land, and cut from it, or had cut from it, over a period of years, a considerable amount of timber, and much of it was manufactured into lumber,

It is further considered, ordered, adjudged and decreed by the court that during the ten years next preceding the filing of the bill of complaint in this cause, the complainants and those through whom they derived title to said land, have assessed said land for taxes, and paid the taxes thereon, and that they have been in possession of said land during said ten year period, and no other person, firm or corporation, has been in possession of same, or any part thereof, or has claimed any of said lands, or any interest therein, except as will hereinafter be stated, and that no other person, firm or corporation assessed said land or any part thereof for taxation, or paid taxes thereon, during said ten year period, other than these stated in that connection in the 38th paragraph of the bill of complaint in this cause, and as to such persons who are shown to have assessed portions of said land for taxation, it is further considered, ordered, adjudged and decreed by the court that they have no title to, interest in or encumbrance upon sid land or any part thereof.

It is further considered, ordered, adjudged and decreed by the court that in said Bond for Title, executed by said Tumlins to said A. F. Estes the coal, iron, oil, gas and other minerals were reserved in certain lands therein described, and nothing in this decree is to be considered as affecting such reservations.

It is further considered, ordered, adjudged and decreed by the court that the mineral rights in the west half of the southwest quarter of Section 25, Township 19, Range 1 east, are not included or adjudicated herein, which said mineral rights in said land having been reserved and being now owned by Alabama Mineral Land Company,

It is further considered, ordered, adjudged and decreed by the court that complainants and those through whom they claim title to all of said lands have been in the actual, peaceable, open, notorious, continuous, exclusive, adverse possession of said land for aperiod of more than ten consecutive years, next preceding the filing of the bill of complaint in this cause, and during all of said time they and those through whom they derived title thereto, held color of title to said land and during said time no other person, firm or corporation had poss ession of said land, or any portion thereof, nor advanced any claim thereto antagonistic to them.

It is further considered, ordered, adjudged and decreed by the court that in executing the bond for title to A.F.Estes, as aforesaid, said Tumlins intended to convey to him, and to include in said bond for title, the east half of the northwest quarter and the southwest quarter of the northwest quarter of Section 25, Township 19, Range 1 east, but by inadvertence or mistake of the draftsman of said Bond for Title, said land was erroneously described as being the east half of the northwest quarter of the southwest quarter of the northwest quarter of Section 25, Township 19, Range 1 east; and it is further considered, ordered, adjudged and decreed by the court that said Bond for Title be and hereby is refermed, so as to make the description of said land as it was intended to be, and all of the right, title or interest therein or thereto, is hereby divested out of said J.W.Tumlin, and out of the widow and heirs of W. L.Tumlin and the same is vested in the complainants in this cause.

It is further considered, ordered, adjudged and decreed by the court that nothing in this decree contained is to affect the lien of J.W.Tumlin, under and by virtue of his mortgage, executed by A.F.Estes, and which is referred to in the testimony in

this cause, and in the answer of said J.W. Tumlin filed herein.

It is further considered, ordered, 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 to aid land and the various and sundry portions thereof, in the Probate Court of Shelby County, Alabama, and in the Probate Office of Shelby County, Alabama, are true and correct as therein stated, and that the title to the several parcels of said land stands on the records of the Probate Court and in the Probate Office of Shelby County, Alabama, in the name of the several parties, as therein alleged, and that there are no records in said Probate Office of conveyances of title out of said several parties, as is alleged in the bill of complaint.

It is further considered, ordered, adjudged and decreed by the court that none of the following persons named inthe 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 said lands, viz: 6. J. Teague, William H. Fellows, Walker Keynolds, Charlie Smith, Joe Smith, Albert Smith, Lula Weldon, Lucinda L. Cregg, Jim Niven, Ressie Niven, Chapman Bond, Estelle Niven, Vera Niven, Velma Niven, Isadore Niven, J.A.Cowart, Ellen E. Cowart, Louisa Ozley or Louisa Auzley, James W. Crump, Tom P. Crump J.J. Ptewart, JohnDixon, W. R. Phillips, J. M. Mims, Charles Fell, S. M. Cress, S. M. Pickler, Dena Cosper, John Cosper, Louis Cosper, John Davis, Mollie Davis Thomas, Narcissa Davis Thomas, Andrew Davis, Lizzie Davis Goodwin, Mandy Davis Bates, A. O. Lane, John W. Stidham, John W. Stedham, Malinda Catherine Stedham, N.G. Bowdon, Sidney Green, Martin Fox, Mollie B. Lewis, Clem Butler, M.E. Butler, Isaac Burchfield, Addie J. Watson, J.A. Fuller, G.W. Edwards, J. D. Gladcow, J. J. Dye , M. B. Parsons, J.M. Mickle, G. W. Elliott, Stacey Sophia Elliott, David N. McClanahan, Henry Eakle, Clemens Butler, June Butler, Hugh Butler, Oats Butler, I.G. Chappehl, A. N.Ray, J. A. Hicks, William J. Bevill, Mary Adams, Lucinda Spearman, Emily Stone, Susan Miller, Levi Moore, John Moore, Taylor Moore, Columbus A. Evans, Sylvester W. Evans, Laura Pyron, Katie Baird, Bessie Sanders, Missie Sanders, Willie Boring, Orbra Boring, Blanche Hunter, Lula Hunter, K. T. ochrane, Ashbury Crawford, Nellie Davis, a daughter of Ddward J. Hatcher who married a Florey, as stated in paragraph 23 of the bill of complaint, Thomas M. Harper, "iley Pope, Caroline Pope, M.E.Butler, Isaac Hawk, J.M. Mc lanahan, the wife of Clemens Buttler, G.W. Perryman, W. H. Pope, J. M.Morgan, B.K. Hunley, John Kussell, L. L. Kendrick, Samuel M. Camp, Alexander Vick, E. L. Jenks, L. E. Jenks, the wife of L. E. Jenks and John M. Morgan.

tis further considered, ordered, adjudged and decreed by the court that the following persons referred to and named in the bill of complaint in this cause, have be right, title, interest in, or encumbrance on said land, viz: Alabama & Tennessee Rivers Railroad Company a corporation, Georgia & Alabama Railroad Company, a corporation Selma, Rome & Dalton "ailroad Company, a corporation, Douthern "ailway Company, a corporation, Sallie Cost, Shelby Iron Company, a corporation, John H. Williams, Sadie Thomas, Joe Smith, O. L. Smith, Jessie Niven, Martin, Walter Niven, Ludie Niven, Josie Niven, Luther Niven, Ethel Niven Wofford, Mae Riley Niven Thompson, Jewel Niven Skelton Maylene Niven Heaton, Annie Niven, Otho Niven, Velma Niven Ray, E. P. Niven, J. N. Niven, P. B. Niven, C.E.Niven, Lillie Niven McEwen, J. T. Nabors, Loyd Davis, W. C. Sterrett, Mrs. Joe T. Bobbett, Mrs. A. H.Beudware, Esther Lee Marshall, Allie B. Marshall, Mead Dowell Sterrett, Moberta Sterrett, Mattie S.Bell, Carrie Bell Sterrett, Mrs. Charles E. Lowe, Mrs. S. J. Sterrett, W. J.Tinney, Sallie B. Tinney, W. H. Boynton, Orin Sholars,

Kate B. Sholars, Wallace Sholars Louis Sholars, Theta Sholars Anderson, Hannah Welch Hardy, Willie Welch Caldwell, Oliver Welch, Willie Welch, Natalie Walthall, Ashton, Henry Walthall, John Walthall, Annie Mae Walthall Eldridge, Junius Walthall, Hugh Walthall, Wallace Walthall, Malcom Lide, Elizabeth Lide, Malcom Lide, Sallie Wallace Beavers, Rosa Teague, Taliaferro Wallace Parker, Wales Wellington Wallace, Sam Wallace, Janie Wallace, Roberta Wallace Taylor, Mrs. Arthur R. Sholars, J. O. Cosper, Nina Cosper, Baxley, J. O. Cosper, Mrs. O. B. Lemay, Mrs.S.S. Little, Miss Grace Cosper, Douglas Cosper, P. S. Cosper, Dorothy Cosper, Mrs. Lena M.W.lson, W. H.Cosper, Jr., Virginia .. Cosper, Ethel Scott, Mrs Minnie Morgan, Walter S. Cosper, W. A. Cosper, Mrs. Annie Cosper, Thomas, Mrs. Jessie Cosper Worley, Mrs. Ada Cosper Henry, Mrs. Willie McCrary, Mrs. Mollie Martin, Mrs. Laura Dobbs, J. M. Cosper, Maude A. Price, W. N. Cosper, Sadie M. Porter, S. I. Cosper, T. J. Cosper, Chester Price, Mrs. Belle Chancellor, R.E. Cosper, Ada Kincaid G. P.Cosper, G. W. Cosper, Dena Cosper, John Cosper, Louis Cosper, John Davis, Mollie Davis Thomas, Narcissa ^Davis Thomas, Andrew Davis, Lizzie Davis Goodwin, Mandy Davis Bates, L.C. Moore, G.W. Lawley & Company, George W.Lawley, Jim Richie, Jeneral Lawley, W.H.Gill, J. C. C. Watson, Addie Watson, G.W. Edwards, A.D. Glaggow, J. A. Fuller C.H.Florey, Mrs.Clara Bradford, T. R. Florey, Leota Tucker, Harry Forey, W.E. Florey M.B.Florey, Levi Wilcoxen, E.B.S. Florey, W.H.Florey, A. J.Florey, Mrs. Kattie Holland, J.D. Florey, Frank Ellis, Mrs. K. E. Collins, Sam Morgan, John Morgan, Gene Morgan, Walter Morgan, B. F.Robertson, J. N. Robertson, Henry Robertson, Alger M.Robertson, Etta Robertson O'Deall, Beston Verchot, Emma J. Albright, Sarah W. Taylor, Ida C. Hester Ettie Strickland, W. H. Page, Joe Page, Ludie Page Knight, J.W.M. Page, J. P. Richardson, Horace Moore, Jr., Addie Page, Georgia Cromwell Johnson, Joe Cromwell, Johnnie Watersworth, Russell Woodall, Robert Lee Woodall, J.R.White, Mary M. Johnston, Alabama Mineral Land Company, a corporation, (except the mineral interest inthe west half of the south west quarte of section 25, Township 19, Range 1 east, J.W. Tumlin, (except such interest as he may have under and by virtue of a mortgade executed to him by A. F. Estes) Mrs. Lona Tumlin, J.C. Tumlin, J. M. Tumlin, Phoebe M. Jackson, E. B. Head, Izora Owens, Elmer Thrasher, Oscar Thrasher, Della Willingham, Arthur Thrasher, Mrs. Ida Mitchell, Leila Miller, John T. Drew, George W. Drew, Mrs. Myrtice Drew, Crossland, Bernice Drew, Mrs. Florine Drew Puckett, Herman Drew, Willie Drew, Paul Drew, Annie Wheeler Looney, Laura Wheeler Griffin, Willie Wheeler Griffin, Ella Wheeler Riddle, Clara Wheeler Hayes, Ethel Wheeler Drew, Mary Jane Clifton, Lerpy Elliott, Clifford E.Wilder, Essie Hatcher, "annie Lee Thweatt, Ruby Hatcher, Stella Hatcher, Eugene Hatcher, Pearl Hatcher, Charlie Davis, Mrs. Annie Sims, Arthur Hatcher, James Hatcher, Mae Hatcher, Bessie Hatcher, Howard Hatcher, Ada Hatcher, Charlie R. Hatcher, Emma Weathers, J.J. Elliott, A.A.Strother, Louella Gwin, Oliver Gill, Ona Dyer, Alma Wood, Mattie Gore, Lena Smith, Leon Gill, Ethel Gill, Ola Walton, Bessie Harris, Nelson Gill, Mary Kyle Gill, H. E. Archer, M. E. Archer, Nichols-Hawley Grocery ompany, Thomas N.W. lliamson, T. P. Ray, Marly S. Ray G.W. Perryman, Frank Nelson, Theo Nelson, Margaret Nelson, $^{
m De^B}$ ardeleben, Oliver L. Nelson, N. H. $^{
m E}$ dmondson, M. S. Edmondf x, R.G. Weldon & Company, A. N.Ray, Jim Ray, Cora Ray, J. L.Ray, H. A. Jackson, A. L. Jackson, J. C. Jackson, Jr., M. P. Jackson, Mrs. Ethel E. McMahan, J. Howard Tumlin, Florence Lucile Sealey, Emma Louise Heard, George Lapier Tumlin, Frirence L. Baxley, Bettie Ann Baxley, E. C. Miller, Viola Frances Miller, Allen Lumber Company, Tallapoosa Timber Company, Mrs. M. I. Bentley, Mrs.M. L. Strother, R.D. Vick, J. R. G. Fancher, J. H. Gardner, and W. R. Robertson,

It is further considered, ordered, adjudged and decreed by the court that the

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unknown heirs of the following persons other than those heirs of such persons as are stated in the bill of complaint, have no right, title, interest in orencumbrance upon said land, viz: J.H.Cosper, S. S. Cosper, Tom Gosper, Mary Smith, Joseph J. Gregg, George Niven, James P.Crump, John W. Stewart, Samuel Wallace, James B. Cosper, King H.Davis, Clem Butler, the wife of Clem Butler, M. E. Butler, James H. Morgan, W. L. Tumlin, Edward J.Hatcher, John W. Florey, J.C.Jackson, Sr., S.C.Jackson, J.C. Jackson and L.E. Jenks.

It is further considered, ordered, adjudged and decreed by the court that none of the parties or persons named in the bill of complaint in this cause, other than complainants, if any there be, whose names have not in this decree beenset out, and who have been brought into court in this cause either by personal service, service by registered mail, publication of otherwise, or who have been brought in an named as unknown heirs, have any right, title, interest in or encumbrance upons aid lands in the bill of complaint, described, except the lien of J.W.Tumlin, under his mortgage, as here inbefore set out, and except also the mineral rights in certain lands hereinbefore excepted and referred to in favor of the Alabama Mineral Land Company and except also the coal, iron, oil, gas and other minerals reserved in and by the terms of the Bord for title executed bysaid Tumlins to A.F. Estes, hereinbefore referred to.

It is further considered, ordered, adjudged and decreed by the Court that said persons hereinabove and hereinbefore named, or their unknown heirs if theybe 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, 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 in or encumbrance upon said land 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,

It is further considered, ordered, adjudged and decreed by the court that the complainants have made diligent search and inquiry to ascertain the places of residence of said several persons in said bill of complaint and whose places of residence are alleged to be unknown, as here in before set out, and as in said bill of complaint set out, if they be living, or the names, ages, places of residence and condition in lifd 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 such persons or their unknown heirs, if they be dead, as well as other persons claiming said lands, or any interest therein, they have been unable to obtain such information other than is set out in the bill of complaint.

It is 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 through 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 Chelby 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 thirtydays 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 complainants, J. L. Estes and H.R. 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 tosaid land be and it is hereby 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 Shelby ounty, Alabama,

and the court hereby directs that the certified copy of said decree sorecorded in the Probate Office of Shelby County, Alabama, be indexed on the direct Index in the name of "W. I. Tumlin, et al, and certain unknown heirs, to J. L. Estes and H. R. Estes as "xecutors of the last Will and Testament of A.F.Estes, deceased", and that on the indirect index the name of "J. L. Estes and H.R. Estes, as Executors of the Last Will and Testament of A.F.Estes, deceased, advs. W. L.Tumlin, et al, and c ertain unknown heirs", and that the costs of such recordation be taxed as part of the costs of this proceeding.

ordered. It is further considered, /adjudged and decreed by the court that the cost of this proceeding, including a guardian ad litem's fee of Forty Dollars, for P. O. Luck, be taxed against the complainants, for which let execution issue.

One interm time, this the 10 day of Feb. 1930.

E. P.Gay, Judge

Filed in office this 10th day of Feby. 1930. J.M. Leonard Jr. negister STATE OF ALABAMA

I, J. M. Leonard Jr. Register of the Circuit Court of Shelby County, Aqabama, in equity, hereby certify that the foregoing is a true and correct copy of the decree of said court rendered on the 10th day of $^{
m F}$ ebruary, 1930, inthe case of $^{
m J}$. L. Estes and H.R.Estes, as Executors of the last Will and Testament of A.F. Estes, deceased, VS Certain lands, the same being case Number 1312 on the docket of said court.

Witness my hand and dated this the 15 th day of Feby 1930.

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

THE STATE OF ALABAMA SHELBY COUNTY

SHELBY COUNTY

I hereby certify that the within decree was filed in this office for record June 16th 1930 at 9 oclock A.M. and recorded in Deed record 91 page 311 and examined.

Cage Head--Judge of Probate