First National Bank of Birmingham, as Successor Trustee, a corporation,

In the Probate Court of Shelby County, Alabama, in Equity NO. 1816.

Complainant.

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S. H. Floyd,
LouHeath McNair Fl

LouHeath McNair Floyd
R.E.Bowden
Mrs. Ettye L. Bowdon
Mrs. Maggie Langston
Mrs Emma Kirkpatrick
Mrs Ada Lightsey
Mrs.Ida Bass
John Bush,
J. E. Harding

Respondents.

Final Decree

This cause coming on to be heard for final decree on the original bill as amended and exhibits thereto; decrees pro confesso against each of the respondents named in said bill; the written testimony of J. T. Lacey; the record of deed from M. A. F. Standifer, guardian of W. A. and S. B. Z. Standifer to B. E. Bush in deed book 27 at page 138 of records of Probate Office of Shelby County, Alabama; the record of deed W. A. Standifer and wife, Susie Standifer and Robert Sims, and wife, S. B. Sims to Baker E. Bush, in deed Book 51 at page 54 of the records of the Probate Office of Shelby County, Alabama; and record of deed from B. E. Bush and wife, E. M. Bush, to W. P. Reynolds, in deed book 34 at page 269, record of the Probate office of Shelby County, Alabama.

The court having considered and understood said amended bill and exhibits thereto; said decrees pro confesso and said evidence, is of the opinion and so orders, adjudges and decrees as follows, to-wit:

That it appears to the satisfaction of the Court from paragraph one and two of the said bill as amended, which is confessed as appears from said decree pro confesso rendered by the Register of this Court, that all parties both Complainant and Respondents to this cause are in the jurisdiction of and subject to the decree and orders of this Court;

That it appears from paragraph three of said bill as amended which is confessed and from the testimony of J. T. Lacey, that, Complainant was at the time of filing said bill in peaceful possession of the following described lands, claiming to own same in its own right, towit:

The Northwest quarter of the Southwest quarter of of the Southwest quarter of Section 5, the Southeast diagonal one-half of the Southeast quarter of Section 6, and the North half of the Northeast quarter of Section 7, all in Township 19, South, Range 1 West, Shelby County, Alabama, surface rights only.

Said lands being hereinafter referred to in this decree as "Caption Lands".

It further appears from said bill as amended, which is confessed, that no suit waspending at the time of the filing of said bill ro enforce or test the validity of the title, claims or encumbrances of Respondents and it appears by said decree pro confesso that noe of Respondents have set forth nor specified his title, claim, interest nor encumbrances nor by what instrument the same is derived and created; but that it does appear from said bill as amended and the exhibits thereto with the testimony of J. T. Lacey, that Respondent S. H. Floyd owns the equitable and statutory right of redemption of said property from mortgage recorded in the Probate Office of Shelby County, Alabana, in Mortgage record .160, page 573;

That it appears to the satisfaction of the Court from said bill as amended with exhibits thereto, which is confessed, The records of deeds in evidence heretofore referred to and the testimony of J. T? Lacey that on November 14th 1911 B. E. Bush owned and was in

possession of the "Caption Lands" and that he did not own any other lands in the vicinity of said lands and that he put R. E. Bowdon in possession of "Caption Lands" and the Court recognized the presumption that he would not have sold what he did not own nor would he have given possession to that he did not sell;

That it appears to the satisfaction of this Court from said bill as amended, which is confessed by all respondents, that both B. E. Bush and his wife, E. M. Bush, have departed this life intestate and that Respondents, Mrs. Maggis Langston, Mrs Emma Kirkpatrick, Mrs. Ada Lightsey, Mrs Ida Bass, and John Bush, are their sole heirs at

That it appears to the satisfaction of this Court, from said bill as amended, with exhibits thereto, which is confessed and the testimony of J T.Lacey, that R. E. Bowdon owned and was in possession of the "Caption Lands" about February 28th, 1912, and no other lands in that vicinity and that he sold to Respondents S. H. Floyd and put him in possession of the "Caption Lands", on that date and the Court recognises the presumption that he would not have sold that which he did not own nor given possession to that he did not sell;

That it appears to the satisfaction of this Court from said bill as amended with exhibits thereto, which is confessed and the testimony of J. T. Lacey that Respondent S. H. Floyd owned and was in possession of the "Caption Lands" and no ther lands in the same vicinity at the time he executed nortgage to North Birmingham American Bank on December 1st 1930 and the Court regonizes the presumption that he intended to give a mortgage and said bank to accept a mortgage on lands he owned and not on lands he did not own;

That it appears to the satisfaction of this Court from the bill as amended, which is confessed, that the Complainant, The First National Bank of Birmingham, a corporation,

as Successor Trustee has acquired all the right, title and interest of the said North Birmingham American Bank in and to said Nortgage and the debt secured thereby and the land conveyed thereby; and,

It is further appearing to the satisfaction of this Court from said bill as amended with exhibits and decree pro confesso against Respondent, J. E. Harding and the testimony of J. T Lacey, that a certain deed from Robert Smith to the said J. E. Harding and recorded in Deed Book 96 at page 175 in the Probate Office of Shelby County, Alabama is a cloud on Complainant's title to the NW4 of SW4 of SW4 of Section 5 Tp 19 So Range 1 West, Shelby County, Alabama and as such should be removed.

It is therefore the order, judgment and degree of this Court that:

The description in that certain deed from B. E. Bush and wife, E. M. Bush to R. E. Bowdon, dated November 14th 1911 and recorded in Deed Book 45 page 532 in the Probate office of Shelby County, Alabama, be and the same is hereby corrected to as to read as follows:

The Northwest quarter of the Southwest quarter of the Southwest quarter of the Southwest quarter of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 6, and the north half of the Northeast quarter of Section 7, all in Township d9 South Range 1 West, Shelby County, Alabama.

And it is further ordered adjudged and decreed by this Court that Respondents Mrs.

Maggie Langston, Mrs cmma Kirkpatrick, Mrs. Ada Lightsey, Mrs Ida Bass, and John Bush have no right, title nor interest in or to said lands and title thereto is quieted in Complainant;

It is further order, judgment and decree of this Court that the description in that certain deed from R. E. Bowdon and wife, Ettye L. Bowdon to Respondent, Schuyler HFloyd of February 27th 1912, and recorded in deed book 49 at page 8 in the Probate office of Shelby County, Alabama, is corrected to reask as follows:

The Northwest quarter of the Southwest quarter of the Southwest quarter of section 5, the Southeast diagonal one-half of the Southeast quarter of the Southeast quarter of Section 6, and the North half of the Northeast quarter of Section 7, all in Township 19, South, Range 1 West, Shelby County, Alabama, surface rights only.

It is further ordered, adjudged and decreed that the Respondent R. E.Bowdon, and Etty Bowdon, have no right, title nor interest in or to said lands, but that title thereto is quieted in Complainant;

It is the further order, judgment and decree of the Court that the description in that certain mortgage from Respondents, S. H. Floyd and wife, Louheath McNair Floyd to the North Birmingham American Bank dated December 1st, 1930 and recorded in the Probate office of Shelby County, clabama, in mortgage record 160 at page 572, be corrected so as to convey the following described lands, to-wit:

The Northwest quarter of the Southwest quarter of the Southwest quarter of Section 5, the Southeast diagonal one-half of the Southeast quarter of the Southeast quarter of Section 7, quarter Section 6, and the North half of the northeast quarter of Section 7, all in Township 19, Range 1 West, Shelby County, Alabama. Surface rights only. Also the Northeast quarter of Northwest quarter of Section 30 Township 20 South, Range 2 West, Shelby County, Alabama.

It is the further order, judgment and decree of this Court that Respondent, J. E. Harding has no right, title nor interest in or to the NW1 of SW1 of SW2 of Section 5 Tp 19 So. Range 1 West, Shelby County, Alabama in deed book 96 at page 175, which said record is a cloud on Complainant's title and for that reason is hereby ordered cancelled and held for naught and the Register of this Court is ordered and directed to mark said deed cancelled and expunged from the records on the margin of said record, referring to this decree.

It is the further order, judgment and decree of this Court that the Bill, as amended, with exhibits thereto, is not sufficient as a Bill to Foreclose nor is the evidence sufficient to sustain a Decree of Foreclosure and said bill as amended is dismissed as to that aspecs thereof without prejudice.

It is further ordered, adjudged and decreed by this Court that a certified copt of this decree be recorded in the office of the Judge of Probate for Shelby County, Alabama, and that the same be indexed on the direct index from S. H. Floyd, and wife, Luuheath McNair Floyd to First National Bank of Birmingham, as successor trustee; from R. E. Bowdon and wife, Ettye L. Bowdon to First National Bank of Birmingham as Successor Trustee; Maggie Langston to First National Bank of Birmingham as Successor Trustee; Ada Lightsey to First National Bank of Birmingham as Successor Trustee; Ida Bass to First National Bank of Birmingham as Successor Trustee; Ida Bass to First National Bank of Birmingham as Successor Trustee; and J.E. Harind to Sush to First National Bank of Birmingham as Successor Trustee; and J.E. Harind to First National Bank of Birmingham as Successor Trustee; and J.E. Harind to Sush to First National Bank of Birmingham as Successor Trustee; and J.E. Harind to First National Bank of Birmingham as Successor Trustee; and J.E. Harind to Successor Trustee and Shall be indexed in the First National Bank of Birmingham as Successor Trustee; Ida Bass, Is Bowdon, Mrs Maggie Langston, Mrs Imma Kirkpatrick, Mrs Ada Lightsey, Mrs Ida Bass, John Bush and J. E. Harding.

it is further ordered adjudged and decreed that Complainant be taxed with the cost in this cause for which let execution issue.

Done in Term time this the 25th day of June, 1937.

State of Alabama, Shelby County)

I, Frank Head, Register of the Circuit Court in and for Shelby County,

Alabama, hereby certify that the foregoing is a true and correct copy of decree filed in this Court on the 26th day of June, 1937.

Frank Head, Register of the Fircuit Court.

W. W. Wallace, Judge

Filed for record inthis office July 10th 1937 and examined L. C. Walker, Judge at 10 AM and recorded in deed record 103, page 75 and examined L. C. Walker, Judge of Probate.