

2074

FINAL DECREE

W. B. Freeze,)
Complainant,)
Vs.)
Bama Jennings Porter,)
et al.,)
Respondents,)

No. 2747

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA,

IN EQUITY.

This cause coming on to be heard on this the 4th day of March, 1947, 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:-

Lots 16, 17, 18, and 19, according to the map of Vincent, Alabama, certified to by John A. Edwards, C. E. adopted by J. R. Beavers, with general acknowledgment of said J. R. Beavers on the 5th day of August, 1894, before Gordon Dubose, Notary Public, Shelby County, which map is on file in the Probate Office of Shelby County, Alabama, said land situated in Shelby County, Alabama.

It is further ordered, adjudged, and decreed by the court that the complainant in this cause has been in the actual, peaceable possession of said land, and the actual, open, notorious, continuous, exclusive, adverse possession of said land, for more than twenty years before the filing of the bill of complaint in this cause, claiming to own the same in his own right, under a deed executed to him by Mary C. McCary, a widow, G. W. McCary and wife, Nettie H. J. McCary and wife, W. D., W. R. McCary and wife, E. F., R. B. McCary and wife, T. J., Mary F. Warlick and her husband, D.D. Warlick, Mack Robinsons and wife, Carrie, J. S. Johnson and wife, Canaan, S. L. Self and husband, M. A. Self, on the 1st day of May, 1907, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 37, at page 578; that no suit was pending at the time of the filing of the 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 said lands, and that complainant obtained deed to said land as hereinabove stated, which deed was duly recorded on the 10th day of July, 1907, in the Probate Office of Shelby County, Alabama, in deed book 37, at page 578.

It is further ordered, adjudged and decreed by the court that none of the respondents in this cause, viz:- Martin Jennings, have any right, title, interest in or encumbrance on said land.

It is further ordered, adjudged and decreed by the court that the above named respondents, though repubed to claim some right, title, interest in and encumbrance to 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 judgement and decree of the court that they have not title, claim, interest in, or encumbrance on, said lands, as hereinabove adjudged.

It is further ordered, considered, adjudged and decreed by the Court that title to said land involved in this proceeding, as set out is in the complainant, W. B. Freeze.

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

right and title of said complainant to said land be and is hereby established and forever quieted against the respondents and each of them.

It is further, ordered, adjudged, and decreed, 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 be indexed on the direct index in the name of W. B. Freeze to Bama Jennings Porter, and on the indirect index in the name of Bama Jennings Porter to W.B. Freeze, and that the cost of 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 be taxed against the complainant.

Done in term time, this the 4th day of March, 1947.

W. W. Wallace

Judge.

STATE OF ALABAMA

SHELBY COUNTY

I, Pauline Bird, Register of the Circuit Court in and for said County and State, here by certify that the above and foregoing decree is a true and correct copy of decree of the Court rendered in this cause and which is on record in this office.

Witness my hand this the 7th day of March, 1947.

Pauline Bird

Register

SEAL

Filed in the office of the Probate Judge on the 7th day of March, 1947 at 2 P. M. o'clock and duly recorded in Deed Record 129 page 56 on the 12th day of March, 1947.

L. C. Walker

Judge of Probate

NO TAX DUE ON THIS INSTRUMENT