

Petition

#1465

ESTATE OF

:

IN PROBATE COURT BIBB COUNTY, ALABAMA

PAT SHANNON, DECEASED

:

TO HONORABLE G.H. STACY, JUDGE OF THE PROBATE COURT OF BIBB COUNTY, ALABAMA

Your petitioner John M. Ryan, respectfully avers and shows unto Your Honor/as Follows:

1. Petitioner is a resident of Shelby County, Alabama, and he is over the age of twenty one years and he is one of the heirs and devisees of Pat Shannon, deceased, who died in Bibb County, Alabama, on November 29, 1925.

2. That at the time of his death the said Pat Shannon owned and was in the possession of the Northeast quarter of the Southeast quarter of Section 34, Township 20, Range 4, in Shelby County, Alabama; that on the 15th day of January, 1936, the Executors of the estate of said decedent, namely, James J. Shannon and Elizabeth L. Courtney, filed in this Court their petition in writing requesting the sale for division of certain lands owned by said decedent at the time of his death and said petitioners intended to include therein the hereinabove described Northeast quarter of southeast quarter of Section 34, Township 20, Range 4, Shelby County, Alabama, but a mistake was made by said Executors in describing said land in said petition in that said land was unintentionally and mistakenly described as being the Northeast quarter of southeast quarter of Section 30, Township 20, Range 4, in Shelby County, Alabama, which said decedent had never owned or claimed, and said mistake in description was made in this Court's decree authorizing the sale for division, in the notice of sale, in the actual sale, in the report of said sale to petitioner by said Executors, in the decree of this Honorable Court confirming said sale, and also in the deed executed and delivered by said Executors to petitioner, whereas it was the understanding between and intention of said Executors and petitioner that the Northeast quarter of Southeast quarter of Section 34, Township 20, Range 4, in Shelby County, Alabama, was being sold and conveyed at said sale; that the sale and purchase of said land was made in good faith and the purchase money was fully paid by petitioner to the said Executors before the delivery of said deed to petitioner.

3. That since the date of said sale and conveyance hereinabove referred to the said Executor's deed to petitioner has been recorded in the Probate Office of Shelby County, Alabama, in Deed Book 130, on page 607; and that since the date of said conveyance one of said Executors, namely, James J. Shannon, has died and no one has been appointed to take his place as such Executor; and the estate of the



said Pat Shannon, deceased is now being administered in the Probate Court of Bibb County, Alabama, and Elizabeth L. Courtney is the sole Executor of said Estate.

4. That the devisees of the said Pat Shannon, deceased, and the distributees of his estate, so far as known to your petitioner, are as follows:

Katy Kuffner, Birmingham, Alabama; William Corcoran, Birmingham, Alabama, Michael Corcoran Birmingham, Alabama; Elizabeth L. Courtney, who is also Executrix of the estate of said decedent, Birmingham, Alabama; Mrs. Maggie O'Brien, Breckinridge, Texas; John Ryan, Helena, Alabama; Mrs. Mamie Shannon, Birmingham, Alabama; Mrs. Bessie Shannon Sigmeir, Birmingham, Alabama; Mrs. Birdie Shannon Dominey, Atlanta, Georgia; Harry Shannon, Atlanta, Georgia; Juliet Shannon, Birmingham, Alabama; Margaret Shannon, Birmingham, Alabama; Mrs. Annie Frances Shannon Ernst, Montgomery, Alabama; Jack Higgins, Mobile, Alabama; and Lee Higgins, Washington, D.C.; all of whom are over twenty one years of age; and the heirs at law and next of kin and devisees of Mrs. Addie Shannon, deceased, all of whom are non-residents of the State of Alabama, but whose names, ages and exact addresses are unknown to your petitioner.

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WHEREFORE, THE PREMISES CONSIDERED, petitioner prays that Your Honor will, as provided for in Section 273 of Title 61 et seq, of the Alabama code of 1940, take jurisdiction of this proceeding, that a date be set for hearing the same and that all proper and necessary notice of this application and the date set for hearing the same be given to the above named devisees and distributees and to said surviving Executor as required by law; that upon the final hearing and consideration of this application and proceeding Your Honor will find that the sale of the hereinabove described lands in Section 34, to petitioner was made in good faith and that a mistake was made in the description of said land as hereinabove set forth in this petition in that the land was mistakenly described as being the Northeast quarter of Southeast quarter of Section 30, Township 20, Range 4, Shelby County, Alabama, instead of using the correct description of the Northeast quarter of southeast quarter of Section 34, Township 20, Range 4 Shelby County, Alabama, and that Your Honor will make and enter an order or decree correcting the mistake in said description and authorizing and ordering the said Executor of said Estate, Elizabeth L. Courtney, to execute and deliver a new deed to petitioner conveying to him the Northeast quarter of Southeast quarter of Section 34, Township 20, Range 4 In Shelby County, Alabama.

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THE PREMISES BEING FURTHER CONSIDERED, petitioner further prays for such other, additional and different relief to which he may be entitled in the premises even though the same may not be herein specifically prayed for.

John M. Ryan

Petitioner

Sworn to and subscribed before me by John M. Ryan, petitioner, who swore that the allegations contained in the foregoing petition are true and correct.

This November 12, 1948.

T.S. Wallace

NOTARIAL SEAL

Notary Public

STATE OF ALABAMA

BIBB COUNTY

I, G.H. Stacy, Judge of the Probate Court in and for Bibb County, Alabama, do hereby certify that the within and foregoing is a true and correct copy of the application or petition which was filed by John M. Ryan in the Probate Court of Bibb County, Alabama, on November 15, 1948, and which is now a matter of record in the Probate Office of Bibb County, Alabama.

Given under my hand and seal this January 31, 1949.

Filed in the office of the Probate Judge the 3rd day of February, 1949 at 3 o'clock P.M. and recorded in the Deed Record 136 on page 533 on this the 4th day of February, 1949.

NO TAX DUE ON THIS INSTRUMENT

L.C. Walker,

Judge of Probate

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