

1987

IN THE CIRCUIT COURT SHELBY COUNTY, ALA.
EQUITY DIVISION

LUCY HILL,

Complainant,

-vs-

H. G. SINIARD, ET AL,

Respondents.

This cause coming on to be heard on this 7th day of March, 1949, was submitted for final decree on the pleadings and agreement made and entered into in open Court by and between Solicitor for Complainant and Solicitors for H. G. Siniard, one of the respondents, the Solicitor for Complainant amending the original bill of complaint by striking the name of Mrs. Charles B. Durst.

The pleadings in this cause and the agreement of counsel above referred to having been considered and understood by the Court, the court finds the averments of the bill are true, subject to the hereinafter stated limitation, 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, viz: The West half of the Northeast Quarter and the Northeast Quarter of Section 22, Township 21, Range 2 West, in Shelby County, Alabama.

The Court further finds from the pleadings and agreement of counsel in this cause that the Respondent, H. G. Siniard is the owner and in peaceable possession of the following described real estate situated in Shelby County, Alabama: The Southeast Quarter of the Northeast Quarter of Section 22, Township 21, Range 2 West, in Shelby County, Alabama.

It is further ordered, adjudged and decreed by the Court that the Complainant in this cause, and those under and through whom she claims title thereto have been in the actual, peaceable possession of that part of the lands described in the bill of complaint in this cause, which the Court has heretofore found from the evidence to be the lands owned by Complainant, and that such possession has been actual, open, notorious, continuous, exclusive, adverse possession of said described land and has assessed said lands for taxation and paid the taxes thereon for a long period of time preceding the filing of the bill of complaint in this cause, claiming to own the same; that no suit was pending at the time of the filing of said bill of complaint, nor is any suit now pending other than the present one to test Complainant's title, interest in or right of possession to said lands heretofore found by the Court to be the lands of Complaint, and that the Complainant is the owner of said lands by adverse possession and by deed conveying the same to her.

It is further ordered, adjudged and decreed by the Court that the party named in the bill of complaint in this cause has no right, title, interest, claim or encumbrance on said land, namely, H. G. Siniard.

It is further considered, ordered, adjudged and decreed by the Court that the right and title of said Complainant to said land be and it is hereby established and forever quieted against Respondent claiming title to interest in, or lien or encumbrance on said land or any part thereof, and that no person other than the Complainant in this cause has any title to, interest in, lien or encumbrance on said land found by the court to be the lands of Complainant.

Complainant having acknowledged in open court and having confessed the answer of Respondent, H. G. Siniard, admits that the said H. G. Siniard is the owner of the Southeast Quarter of the Northeast Quarter of section 22, Township 21, Range 2 West, in Shelby County, Ala., and the court holds that his title to said last above described lands is quieted as against Complainant, and it is the judgment and decree of the Court that Complainant has no title, claim, interest in, or encumbrance on said last described forty acres of land.

The Court further finds from the averments contained in the cross bill, the exhibits thereto attached, together with the answer of Complainant to Respondents cross bill and affidavit of R. E. Bowdon, who was President of Citizens Bank at the time of the conveyance of a part of the lands involved in this litigation by said bank to one H. G. Siniard wherein in the description of same it appears "Range 2 East," when each of the parties to said conveyance intended that the same should read, "Range 2 West".

It is, therefore, ordered, considered, adjudged and decreed by the Court that said conveyance from citizens Bank to H. G. Siniard, the same having been executed on the 23rd day of March, 1915 and recorded in the Probate Office of Shelby County, Alabama in Deed Record 96, Page 426, be and the same is reformed and the same shall

read: Northeast Quarter of Section 22, Township 21, Range 2 West, containing in all 160 acres more or less and lying and being in the County of Shelby in the State of Alabama.

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, and the Court hereby directs that the certified copy of said decree so recorded in the Probate Office of Shelby County be indexed on the direct index in the name of H.G. Siniard to Lucy Hill, and that on the indirect index in the name of Lucy Hill to H.G. Siniard, and the cost of such recordation be taxed as a 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 both Complainant and Respondent, H. G. Siniard separately and severally, and it being the intention of the Court that each of said parties is taxed with one half of the cost incurred in this cause.

Done in term time on this the 10th day of March, 1949.

W.W. Wallace,
Judge.

STATE OF ALABAMA
SHELBY COUNTY
I hereby certify that
\$ None Privilege Tax
has been paid on the within-
in instrument as required
by law.
L. C. WALKER,
JUDGE OF PROBATE

CERTIFICATE.

STATE OF ALABAMA
SHELBY COUNTY.

I, Pauline Bird, as Register of the Circuit Court in and for Shelby County, Alabama, hereby certify that the within is a true and correct copy of Decree rendered in the case of Lucy Hill, Complainant, vs. H. G. Siniard, et al., Respondents, being Case No. 3055, which is on record in this office, and filed on this date.

This the 10th day of March, 1949.

Pauline Bird, Register,

Filed in the office of the Judge of Probate on the 10th day of March, 1949. at 11 o'clock A.M. and recorded in deed record 138, page 75, on this the 12th day of March, 1949.

L.C. Walker,
Judge of Probate