

#5628

DECREE

W.M. BURGIN AND CLARA MAUDE BURGIN,
COMPLAINANTS,

IN THE CIRCUIT COURT OF SHELBY COUNTY,
ALABAMA, IN EQUITY.

vs.

NO. 3204

CERTAIN LANDS, ET. AL.

RESPONDENTS

This cause coming on to be heard on this the 16th day of September, 1950, was submitted for final decree upon the Complainants verified bill of complaint, upon the decree pro confesso rendered herein, and upon the testimony of W.M. Burgin, Conrad M. Fowler, and William G. Burgin, and upon the certificate of the Register, all of which is noted by the Register, and it appears to the satisfaction of the Court:

FIRST: That the complainants, W.M. Burgin and Clara Maude Burgin, at the time of the filing of their bill of complaint in this cause, claimed in their own right a fee simple title to and were in the actual, peaceable, possession of the following described lands, lying in the County of Shelby, State of Alabama, and more particularly described as follows:

A portion, or tract, of land situated in Section 11, Township 22, Range 3 West, Shelby County, Alabama, more particularly described as follows:

Commence at the NE corner of said Section 11, thence west along the north line of said Section 2910 feet to the eastern margin of the right of way of the Old Montevallo-Siluria road; thence South 5 deg. 35 min. west, 900 feet, along the east margin of said road; thence South 11 deg. 35 min. west, 175 feet, along the east margin of said road; thence South 36 deg, 55 min. east, 70 feet, along the east margin of said road to the north margin of the old Alexander Mill Road; thence south 30 deg. 55 min. east, 185 feet, along the north margin of said Mill Road; thence South 73 deg, 55 min, east, 265 feet, along the North margin of said Mill Road; thence South 60 deg. 55 min. east, 600 feet, along the north margin of said Mill Road; thence North 66 deg. 55 min. east, 674 feet; thence North 60 deg. 40 min. east 360 feet, more or less, along a fence row to the west boundary line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$, which point is 120 feet north of the SW corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence North 77 deg. 15 min. east, 1342 feet, more or less, to the east boundary line of said forty; which point is 411 feet distance from the SE corner of said forty; thence north along the east line of said forty, 915 feet, more or less, to the NE corner of said Section, the point of beginning.

SECOND: That at the time of the filing of said bill of complaint, no suit was pending to test their title to, interest in, or the right to the possession of said land.s.

THIRD: That the said bill of complaint was and is duly verified, and was filed against said lands, and against any and all persons claiming any title to, interest in, lien or encumbrance, on said land or any parts thereof, and was to establish the right, or title, to such lands or interest, and to clear all doubts or disputes concerning the same, and that said bill of complain did in all respects comply with the provisions of the Code of Alabama, 1940, Title 7, Section 1116.

FOURTH: That the following named Respondents were served with notice of said suit as provided by law: Mary Snyder Moore, Dorothy Tucker Ward, A.J. Tucker, Ted Tucker, Etta Harris Seals, Joe Bruno, and Ruth Tucker Herbert, but each of said Repondents failed to answer, plead to, or demur as required by law; that the place of residence of Emily Tucker Hanchett is unknown.

It further appears to the Court that Complainants have exercised due diligence in trying to locate any other parties claiming any interest in the above described property.

FIFTH: That notice of the pendency of said bill of complaint was drawn and filed by the Register of this Court and said Register did have said notice published once a week for four consecutive weeks in the Shelby County Reporter-Democrat, a newspaper having general circulation and published in the County of Shelby, Alabama, the county in which the land described in the bill of complaint is situated, as prescribed by law and in conformance to an order made in this cause.

SIXTH: That a copy of said notice certified by the Register of this Court as being correct was recorded as a lis pendens in the Office of the Judge of Probate of Shelby County, Alabama, on May 30, 1950, said notice being in strict accord and compliance with the laws pertaining thereto.

SEVENTH: That it has been more than sixty days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Judge of Probate of Shelby County, Alabama.

EIGHTH: That no person has intervened in this cause.

NINTH: That S .A. Lokey, a practicing attorney of the Bar of Columbiana, Alabama, was appointed as guardian ad litem to represent and protect the interest of any unknown respondents who may be infants or non compos mentis, and that the said S.A. Lokey accepted said appointment as evidenced by written instrument filed in this cause, and denied each and every allegation contained in the bill of complaint.

TENTH: That all of the allegations of fact contained in Complainants bill of complaint are true.

IT IS , THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED, by the Court that the fee simple title claimed by Complainants in the above described lands has been duly proven and that Complainants are the owners of a fee simple title to said lands, free from all liens and encumbrances; that no other person, firm, or corporation , has any right, title, interest in, or upon, said land, or any part thereof; and that the Complainants are entitled to the relief prayed for in their bill of complaint.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED , that a certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the name of W.M. Burgin and Clara Maude Burgin, on both the direct index and the indirect index of the record thereof.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Complainants pay the cost of these proceedings for which let execution issue .

Done this the 16th day of September, 1950.

W.W. Wallace, Judge

Filed in the office of the Probate Judge on the 16 day of September, 1950 at 3:00 P.M. and recorded in Deed Record 142 on page 540 this the 18 day of September, 1950.

STATE OF ALABAMA
SHELBY COUNTY

L.C. Walker, Judge of Probate

I hereby certify that
\$ None Privilege Tax
has been paid on the within
instrument as required
by law.

L. C. WALKER,
JUDGE OF PROBATE