

ETHEL CUNNINGHAM,

COMPLAINANT,

Vs.

Andrew Cunningham,
Willie Lipscomb,
Lillie Bell Hardy,

RESPONDENTS.

IN THE CIRCUIT COURT OF SHELBY
COUNTY, ALABAMA. IN EQUITY.
CASE No. 2556.

This cause coming on to be heard on the pleadings and the proof made by oral testimony taken before the Court, together with the Exhibits thereto, and the same having been submitted upon the pleadings and proof, as noted, and the same having been considered and understood by the Court, the Court is of the opinion that the Complainant, Ethel Cunningham, is entitled to the relief prayed for in her bill of complaint as amended, against the Respondents, Andrew Cunningham, Willie Lipscomb, and Lillie Bell Hardy.

IT IS, THEREFORE, considered, ordered, adjudged and decreed by the Court as follows:

FIRST: That the complainant is entitled to redeem from the respondents, Andrew Cunningham and Willie Lipscomb, the following described lands, to-wit:

The Northwest Quarter of the Southwest Quarter, less 5 acres on the South side thereof, in Section 36, Township 18, Range 2 East, and all of the Northeast Quarter of the Southwest Quarter of Section 36, Township 18, Range 2 East, all situated in Shelby County, Alabama.

SECOND: That on October 24, 1945, Andrew Cunningham and wife, Hattie Cunningham, conveyed to Willie Lipscomb the Northeast Quarter of the Southwest Quarter of Section 36, Township 18, Range 2 East, situated in Shelby County, Alabama.

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THIRD: The Court further finds that the respondents are not entitled to any claim or right to compensation for any improvements that may have been made on said lands.

FOURTH: The Court further finds that the total cost of redeeming said lands, including the purchase money, with interest thereon, together with all taxes paid thereon, is the sum of Five Hundred Ninety-One and 57/100 Dollars.

FIFTH: The Court further finds that the total cost of redemption, including purchase money, interest, and taxes, of the Northwest Quarter of the Southwest Quarter, less five acres on the South side thereof, in Section 36, Township 18, Range 2 East, is Two Hundred Sixty-Five and 62/100 Dollars, which amount shall be paid to Andrew Cunningham upon the redemption of said property by the complainant, Ethel Cunningham.

SIXTH: The Court further finds that the total cost of the redemption of the Northeast Quarter of the Southwest Quarter of Section 36, Township 18, Range 2 East, including the purchase money, interest, and taxes thereon, is Three Hundred Twenty-Five and 95/100 Dollars, which sum shall be paid to Willie Lipscomb upon the redemption of said property by the complainant, Ethel Cunningham.

SEVENTH: The Court further finds that the respondent, Lillie Bell Hardy, has no right, title, or interest in the lands described in this decree, and that complainant's title thereto is adjudged to be quieted against all claims, demands, or interest of the respondent, Willie Bell Hardy.

IT IS, NOW, THEREFORE further considered, ordered, adjudged and decreed by the Court that the complainant, Ethel Cunningham, is entitled to the relief prayed for in said bill of complaint as amended, and that said complainant is entitled to redeem the seventy-five acres of land as described in this decree, and that upon the payment by said complainant, to the Register of this Court, the sum of Five Hundred Ninety-One and 57/100 Dollars, all claims, right, or title to said lands shall be divested of Andrew Cunningham,

Willie Lipscomb, and Lillie Bell Hardy, and invested in the complainant, Ethel Cunningham, and that the title of said complainant in said lands shall be adjudged to be quieted against all of the claims, demands, or pretensions of the respondents, Andrew Cunningham, Willie Lipscomb, and Lillie Bell Hardy, who are hereby perpetually estopped from setting up any claim thereto, or any part thereof of the premises described as the Northeast Quarter of the Southwest Quarter of Section 36, Township 18, Range 2 East, and all of the Northwest Quarter of the Southwest Quarter, less 5 acres on the South side thereof, in Section 36, Township 18, Range 2 East, all being situated in Shelby County, Alabama.

It is hereby further ordered, adjudged, and decreed by the Court that the complainant shall have thirty days from the signing of this decree within which to pay to the Register of this Court the total amount of Five Hundred Ninety-One and 57/100 Dollars; the cost for the redemption of the said property,

It is further considered, ordered, adjudged and decreed by the Court that should the complainant in this cause fail to pay to the Register of this Court within thirty days after the signing of this decree, the amount of money necessary to redeem said lands under this decree, then all right, title, interest in and to said lands shall be invested as follows:

Thirty-five acres situated in the Northwest Quarter of the Southwest Quarter, hereinabove described as being the Northwest Quarter of the Southwest Quarter, less 5 acres on the South side thereof, in Section 36, Township 18, Range 2 East, in Andrew Cunningham; and the Northeast Quarter of the Southwest Quarter of Section 36, Township 18, Range 2 East, shall be invested in Willie Lipscomb, and the complainant in this cause shall be taxed with the cost of this suit, for which execution shall issue.

It is further ordered, adjudged, and decreed by the Court that the cost herein be taxed against the respondents in this suit,

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and that it is decreed that the complainant, Ethel Cunningham, have and recover her cost against the respondents, for which let execution issue.

DONE in term time, on this the 14th day of June, 1955.

J. L. Handegren
Judge.

STATE OF ALABAMA, SHELBY COUNTY

I, L.C. Walker, Judge of Probate, hereby certify that the within deed was filed for record the 21 day of June, 1955 at 2 o'clock, PM. and recorded in Deed record 173 Page 406, and the Mortgage Tax of Deed Deed Tax of — has been paid.

L. C. Walker Judge of Probate