

EDWARD D. WATSON,

COMPLAINANT

VS.

LIA FANCHER MENDENHALL, et al,

RESPONDENTS

IN THE SHELBY COUNTY LAW AND EQUITY

COURT OF SHELBY COUNTY, ALABAMA

EQUITY DIVISION

CASE NO. 149

FINAL DECREE

This cause coming on for final decree on the Bill of Complaint, Disclaimers and Waivers and Decrees Pro Confesso as noted by the Register, the testimony of Edward D. Watson taken before L. C. Fulton as commissioner in narrative form and filed in this cause, and upon the other pleadings and proof as noted by the Register, and the Court having considered and understood the same, the Court is of the opinion that the complainant is entitled to the relief prayed for in his Bill of Complaint and the same is hereby granted, it appearing to the satisfaction of the Court:

1. That the complainant, Edward D. Watson, at the time of the filing of the Bill of Complaint in this cause, in his own right, claimed and owned a fee simple title in and to the following described property:

Part of Northeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 2, Township 20 South, Range 1 West of Shelby County, Alabama; being more particularly described as follows: Begin at the Northeast corner of said section 2; thence in Westerly direction along North boundary of said quarter-quarter section 420.69 feet for the point of beginning of a tract of land herein described; thence continuing in straight line in Westerly direction along last mentioned course 504.83 feet; thence turning an angle of 87 degrees, 36 minutes, and 02 seconds to the left in Southerly direction 1,331.03 feet to the point of intersection with the South boundary of said quarter-quarter section; thence turning an angle of 92 degrees, 11 minutes, and 13 seconds to the left in Easterly direction along South boundary of said quarter-quarter section 503.94 feet; thence turning an angle of 87 degrees, 46 minutes, and 35 seconds to the left in Northerly direction 1,332.96 feet to the point of beginning. Containing 15.410 Acres more or less.

North $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$, Section 2, Township 20 South, Range 1 West, Shelby County, Alabama, containing 20.4559 Acres more or less.

All that part of the Northeast $\frac{1}{4}$ of Southeast $\frac{1}{4}$ of Section 2, Township 20 South, Range 1 West, Shelby County, Alabama, lying South and West of Yellow Leaf Creek described as follows: Begin at the Southwest corner of said quarter-quarter section; thence in Northerly direction along West boundary of said quarter-quarter section 1,023.63 feet to the point of intersection with the centerline of Yellow Leaf Creek; thence turning an angle of 62 degrees and 24 minutes to the right in Northeasterly direction along the center line of said creek 182.94 feet; thence turning an angle of 5 degrees, 44 minutes, and 30 seconds to the left in Northeasterly direction along the centerline of said creek 157.88 feet; thence turning an angle of 130 degrees, 08 minutes, and 30 seconds to the right in Southerly direction along the centerline of said creek 428.15 feet; thence turning an angle of 8 degrees, 49 minutes, and 30 seconds to the left in Southerly direction along centerline of said creek 180.99 feet; thence turning an angle of 9 degrees and 53 minutes to the right in Southerly

direction along centerline of said creek 246.00 feet; thence turning an angle of 35 degrees, 54 minutes, and 30 seconds to the left in Southeast-ly direction along the centerline of said creek 85.97 feet; thence turn- ing an angle of 47 degrees, 30 minutes, and 30 seconds to the left in Southeasterly direction along the centerline of said creek 97.53 feet; thence turning an angle of 78 degrees, 57 minutes, and 30 seconds to the right in Southerly direction along the centerline of said creek 127.63 feet; thence turning an angle of 12 degrees, 11 minutes, and 30 seconds to the right in Southwesterly direction along the centerline of said creek 112.49 feet to the point of intersection with South boundary of said quarter-quarter section; thence turning an angle of 72 degrees, 40 minutes, and 37 seconds to the right in Westerly direction along South boundary of said quarter-quarter section 313.24 feet to the point of beginning. Con- taining 6.7823 Acres more or less.

Northwest diagonal $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 1, Township 20 South, Range 1 West of Shelby County, Alabama, containing 20.1939 Acres more or less.

Part of Northwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 1, Township 20 South, Range 1 West of Shelby County, Alabama. Begin at the Southeast corner of said quarter-quarter section; thence in Northerly direction along East boundary of said quarter-quarter section 630.00 feet; thence turning an angle of 91 degrees, 44 minutes, and 45 seconds to the left in Westerly direction 555.68 feet to the point of intersection with the centerline of Yellow Leaf Creek; thence turning an angle of 97 degrees and 20 minutes to the left in Southerly direction along the centerline of said creek 163.72 feet; thence turning an angle of 28 degrees and 23 minutes to the left in Southeasterly direction along the centerline of said creek 77.79 feet; thence turning an angle of 75 degrees and 22 minutes to the left in North- easterly direction along the centerline of said creek 128.22 feet; thence turning an angle of 102 degrees and 41 minutes to the right in Southeast- erly direction along the centerline of said creek 62.84 feet; thence turn- ing an angle of 15 degrees and 19 minutes to the right in Southerly direc- tion along the centerline of said creek 206.53 feet; thence turning an angle of 24 degrees and 52 minutes to the right in Southwesterly direction along the centerline of said creek 116.49 feet; thence turning an angle of 9 degrees and 46 minutes to the left in Southwesterly direction 90.68 feet to the point of intersection with the South boundary of said quarter- quarter section; thence turning an angle of 112 degrees and 01 minutes to the left in Easterly direction along the South boundary of said quarter- quarter section 561.57 feet to the point of beginning. Containing 6.2990 Acres more or less.

The above descriptions of property is according to a survey of Herman D. Westbrook, Land Surveyor of Alabama, Peg. No. 1634.

Situated in Shelby County, Alabama.

That said Edward D. Hutson was, at the time of the filing of said Bill of Complaint in this cause, in the actual, peaceable, exclusive, adverse possession of all of said real property; that the title to the said real pro- perty stood, at the time of the filing of said Bill of Complaint, upon the re- cords of the Judge of Probate of Shelby County, Alabama, in the name of "Ed Hutson", said "Ed Hutson" being one and the same person as the Complainant Ed- ward D. Hutson, under the warranty deed from Alice Hutson dated July 2, 1946, shown at Page 123 of Deed Book 131; and that said Edward D. Hutson has held color of title to all of said real property, claiming to own all of said real property, under said warranty deed from Alice Hutson for a period of ten or more consecutive years next preceding the filing of said Bill of Complaint, and

has been in actual, peaceable, exclusive, adverse possession of all of said real property during said ten or more consecutive years next preceding the filing of said Bill of Complaint; and that no person or corporation other than said Edward D. Hutson possessed, at the time of the filing of the Bill of Complaint in this cause, or has possessed, during the consecutive ten year period next preceding the filing of said Bill of Complaint or during any part of said consecutive ten year period, said real property or any part thereof.

That taxes on all of said real property have been assessed and paid by said Edward D. Hutson for the whole of the consecutive ten year period next preceding the filing of said Bill of Complaint in this cause, and that no person or corporation other than said Edward D. Hutson has paid taxes on said property or any part thereof during any part of said consecutive ten year period next preceding the filing of said Bill of Complaint.

2. That at the time of the filing of said Bill of Complaint in this cause, no suit was pending to test the title to, interest in, or right to possession of said real property of the said Edward D. Hutson.

3. That the said Bill of Complaint was and is duly verified and was filed against said property and against any and all persons or corporations claiming any title to, interest in, lien or encumbrance on said real property or any part thereof and was filed to establish the complainant's right or title to such real property, or interest, and to clear up all doubts and disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Code of 1940, Title 7, Section 1116 et seq., as amended.

4. That the complainant has exercised due diligence in trying to locate any and all parties claiming any interest in or to the said property and that the interests of all the parties owning or claiming any interests in the said property are before the Court, said parties all being brought before the Court in strict accord and compliance with Code of 1940, Title 7, Section 1116, et seq., as amended.

5. That notice of the pendency of the said Bill of Complaint was drawn and signed by the Register of this Court and that said Register did have said notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper having general circulation and published in the County of Shelby, Alabama, and authorized by law to receive and publish legal advertisements, where the said real property described in the Bill of Complaint lies, and also by posting a copy of said notice at the Courthouse of Shelby

County, Alabama, immediately after drawing and signing the same, and by filing a copy of said notice certified by the Register as being correct in the Office of the Judge of Probate of Shelby County, Alabama, immediately after drawing and signing the same, and having said filed copy of said notice recorded in a book pending in said Office of the Judge of Probate of Shelby County, Alabama, said notice being in strict accord and compliance with Code of 1940, Title 7, Section 1121, as amended, and recorded in strict accord and compliance with Code of 1940, Title 7, Section 1120.

6. That on the filing of said Bill of Complaint heretofore filed in this cause, a guardian ad litem was duly appointed by the Register of this Court to represent and defend the interest of any of the parties who may be infant, lunatic, ^{or in the Armed Forces of the United States,} or who may be unknown in this proceeding, in strict accord and compliance with Code of 1940, Title 7, Section 1117(1).

7. That more than sixty days have expired from the first publication of the said notice and from the filing of the said certified copy of said notice in the Probate Court of Shelby County, Alabama, and that all Respondents have answered or have suffered decree pro confesso to be taken against them and that at least one day has elapsed since the rendition of said decrees pro confesso; that no demurrers have been filed against the said Bill of Complaint; that the said guardian ad litem has answered the Bill of Complaint; that no person or corporation has intervened in this said cause.

8. That the allegations of fact contained in said verified Bill of Complaint are true and that any title of the Respondents in and to the subject property, if any they ever had, has been defeated by adverse possession or by reversion.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that title be and the same is hereby quieted in rem in Edward D. Hutson, and his heirs, devisees, or assigns, to the real property described more particularly in paragraph (1) above, free of all other title, liens, interest, or encumbrances.

It is further ordered, adjudged, and decreed by the Court that the Respondents to this cause have no title to, interest in, claim to, or lien or encumbrance on said property or any part thereof, and they are forever enjoined from claiming any interest whatsoever in and to said property, not acquired hereafter, adverse to said Edward D. Hutson, his heirs, devisees, or assigns.

It is further ordered, adjudged, and decreed by the Court that this decree be recorded by the Register in the Office of Judge of Probate, Shelby.

County, Alabama, and that it be indexed in the names of/Ila Fancher Mendenhall, Ibra Fancher, Eleanor Longcrier, Jim Bill Longcrier, R. F. Cox, Jr., Amos Holman, Lena Cox, Corella Farley Green, Elizabeth Farley Bryan, W. L. Farley, C. W. Fancher, and his heirs or devisees, if deceased, John Stagner, and his heirs or devisees, if deceased, S. S. Childers, and his heirs or devisees, if deceased, M. L. Stagner, and her heirs or devisees, if deceased, S. A. Childers, and her heirs or devisees, if deceased, John W. Durr, and his heirs or devisees, if deceased, Lucy J. Durr, and her heirs or devisees, if deceased, Kate H. Durr, and her heirs or devisees, if deceased, J. F. Knabe, and his heirs or devisees, if deceased, Eugenia P. Knabe, and her heirs or devisees, if deceased, Mary A. Scott, and her heirs or devisees, if deceased, John Harper, and his heirs or devisees, if deceased, William J. Harper, and his heirs or devisees, if deceased, Judge D. T. Harper, and his heirs and devisees, if deceased, J. E. F. Harper, and his heirs or devisees, if deceased, Mary E. Harper, and her heirs or devisees, if deceased, Martha Harper, and her heirs or devisees, if deceased, Henry Harper, and his heirs or devisees, if deceased, Elizabeth Harper, and her heirs or devisees, if deceased, Joseph E. Harper, and his heirs or devisees, if deceased, James Harper, and his heirs or devisees, if deceased, and William Harper, and his heirs or devisees, if deceased, and Credit Service Corporation on both the direct index and the indirect index, and that the recording fee be taxed as part of the costs in this cause.

It is further ordered, adjudged and decreed by the Court that the costs in this proceeding, including a fee of Ten (\$10.00) Dollars to be paid to the guardian ad litem for his services in this cause, which said sum of Ten (\$10.00) Dollars is considered by the Court to be a reasonable fee for said guardian ad litem for said services, be and the same are hereby taxed against Complainant, Edward D. Hutson, for which let execution issue.

Done this 27 day of May, 1961.

Handy Ellis

Judge of the Shelby County Law & Equity Court of Shelby County, Alabama

STATE OF ALABAMA
SHELBY COUNTY

I, L. C. Fulton, Register of the Shelby County Law and Equity Court of Shelby County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree entered and rendered by the Judge of the Shelby County Law and Equity Court of Shelby County, Alabama, in the above styled cause, and said decree is on file and enrolled in my office.

Witness my hand and seal this the _____ day of May, 1961.

Register of the Shelby County Law & Equity Court of Shelby County, Alabama

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 27 MAY 1961
RECORDED & \$ MTG. TAX
& \$ DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF PROBATE

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