

STATE OF ALABAMA, SHELBY COUNTY

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA,

IN EQUITY

No. 4506

ORDER OF PUBLICATION AND NOTICE OF PENDENCY

To: Anna Armstrong, and her heirs and devisees, if deceased; A. N. Armstrong; Ollie Armstrong; Ella Armstrong McDaniel and her heirs and devisees, if deceased; Beatrice Brasher; Catherine Cruse; Oscar Armstrong and his heirs and devisees, if deceased; Ella Armstrong; Lula Mae Coleman; Ann Duncan and her heirs and devisees, if deceased; Jeanette Armstrong, and her heirs and devisees, if deceased; Billie Wayne Armstrong, and his heirs and devisees, if deceased; Raymond Armstrong and his heirs and devisees, if deceased; Glenda Gail Armstrong, a minor over 14 years of age; Roxie Armstrong Franklin, and her heirs and devisees, if deceased; J. O. Franklin; Bobby Fay Graham; Tillman Franklin; Carlton Franklin, a minor over 14 years of age; Carolyn Franklin, a minor over 14 years of age; Charlotte Ann Franklin, a minor under 14 years of age, and

IN REM against the following described property situated in Shelby County, Alabama, to-wit:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, Township 18 South, Range 1 East, except one acre off North side heretofore conveyed to Emma Franklin by deed dated August 13, 1948 and recorded in Vol. 137, page 156 in the Probate Office of Shelby County, Alabama. Mineral and mining rights and recorded rights of way excepted.

TAKE NOTICE that on the 15th day of March, 1962, Lewis Edward Leamon and Emma Leamon filed in the Circuit Court of Shelby County, Alabama a verified bill of complaint against you, seeking to establish their title in and to the aforementioned property, and to clear up all doubts or disputes concerning same.

It is averred in said bill that Complainants are informed that the Respondent, Anna Armstrong died intestate in August, 1950, leaving surviving her her husband, Linzey Armstrong, who died intestate April 3, 1952, and five children, Respondent A. N. Armstrong, Respondent Ollie Armstrong, Respondent Oscar Armstrong, Respondent Roxie Armstrong Franklin, and Emma Franklin who has conveyed her interest in the hereinafter described property and is not a party to this bill of complaint, and the children of a deceased child, Ella Armstrong McDaniel, namely, Respondent Beatrice Brasher and Respondent Catherine Cruse. There were no other children or descendants of deceased children of the said Anna Armstrong.

Lia Pendine Book 4 page 66

It is further averred in said bill that Complainants are informed that Respondent Ella Armstrong McDaniel died intestate in October, 1942, leaving surviving her two children, the Respondent Beatrice Brasher and Respondent Catherine Cruse, and that there were no other children or descendants of deceased children.

It is further averred in said bill that Complainants are informed that Respondent Oscar Armstrong died intestate June 7, 1956, leaving surviving him the Respondent Ella Armstrong, his wife, and the following children, all of whom are Respondents in this cause, Lula Mae Coleman, Ann Duncan, Jeanette Armstrong, Billie Wayne Armstrong, Raymond Armstrong, and Glenda Gail Armstrong, and that there were no other children or descendants of deceased children.

It is further averred in said bill that Complainants cannot locate the whereabouts of Ann Duncan, Jeanette Armstrong, Billie Wayne Armstrong and Raymond Armstrong or ascertain with certainty whether said Respondents are alive and of sound mind at the time of the filing of this bill of complaint. Complainants aver that they have exercised reasonable diligence to ascertain these facts, by making inquiry of the mother and sister of these Respondents, but have been unable to secure any information leading to a discovery of these facts.

It is further averred in said bill that Complainants are informed that the Respondent Roxie Armstrong Franklin died intestate July 4, 1960, leaving surviving her her husband the Respondent J. O. Franklin, and the following named children, all of whom are Respondents in this cause, Bobby Fay Graham, Tillman Franklin, Carlton Franklin, Carolyn Franklin and Charlotte Ann Franklin. Complainant is informed that there are no other children or descendants of deceased children of the said Respondent Roxie Armstrong Franklin.

It is further averred that Complainants claim all title and interest in said property, and their title is derived from a deed from Linzey Armstrong dated August 24, 1951 and recorded in the Probate Office of Shelby County, Alabama, in deed book 148, page 51.

It is averred that no one other than Complainants have been in possession of, assessed, or paid taxes on said property for ten years next preceding the filing of the bill of complaint.

See Deed Book 4 page 67
BOOK 219 PAGE 792

IT IS ~~THEFORE~~ ORDERED by the Register that publication be made in the Shelby County Reporter a newspaper of general circulation published in Shelby County, Alabama, where the land lies, of this notice, once a week for four consecutive weeks, and that said Respondents be and they are hereby required to plead, answer or demur to the bill of complaint within thirty days from the 16th day of April, 1962, or in default thereof allow decrees pro confesso to be taken against them.

It is further ordered that a copy of this notice, certified by the undersigned Register as being correct, shall also be recorded as a lis pendens in the Probate Office of Shelby County, Alabama.

DONE, this the 15th day of March, 1962.

L. G. Fulton
Register

DOMINICK, FLETCHER, TAYLOR AND YKELDING
Solicitors for the Complainants

Certificate

State of Alabama, In the Circuit Court of Shelby County, Alabama
Shelby County. In Equity

I, L. G. Fulton, Register of the Circuit Court of Shelby County Alabama, hereby certify that the above and foregoing is a true and correct copy of the ORIGINAL ORDER OF PUBLICATION AND NOTICE OF PENDENCY in the Case of Lewis Edward Leamon and Emma Leamon, Complainants vs. Anna Armstrong, et al and in rem against the property described in the Bill of complaint, as the same appears of record and on file in my office.

In Witness Whereof, I have hereunto set my hand and official seal, this the 15th day of March, 1962.

L. G. Fulton
Register, Circuit Court of
Shelby County, Alabama

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 8 AM
3-20 19 62
RECORDED & ✓ MTG. TAX
& ✓ DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF PROBATE