

3404

MARY EDNA ANDERSON,

Wilton, Edna Langford, William H. Matter and J. Robert Fleenor,

taken orally by complainant, commissioner duly appointed by the

Register, and the pleadings and proof, all as stated in the

note of testimony for examination placed by the collector for

All that part of the SE-1/4 of the NE-1/4 and of the NE-1/4 of the SE-1/4 of Section 18, Township 22 South, Range 2 West, that lies northeast of Spring Creek Road, EXCEPT a tract sold to Willie Peels as described in Deed Book 113 on page 570 in the Office of the Judge of Probate of Shelby County, Alabama, and EXCEPT a tract sold to Raven E. Griffin as described in Deed Book 112 on page 557 in said office, and EXCEPT a tract sold to Loyd O. and Maude Robinson as described in Deed Book 141 on page 10 in said office, and also EXCEPT a tract sold to John Harris as described in Deed Book 115 on page 268 in said office, situated in Shelby County, Alabama; BEYONCE G. LOGAN, and his heirs or devisees, if deceased; LELLA MAE CUMMINGS, and her heirs or devisees, if deceased; UNITED STATES REALTY CORPORATION; COOSA LAND COMPANY; and all other persons, associations or corporations, including without limitation the persons, associations or corporations who were the stockholders and directors of the said United States Realty Corporation and Coosa Land Company at the time said corporation and company, or either of them, ceased to exist if said corporation and company are not now in existence; and the heirs and devisees of such persons, if deceased, who unknown to Complainant claim or are reputed to claim any title to, interest in, or lien or encumbrance on said lands, or any part thereof,

in Deed Book 112 on page 557 in said office, and EXCEPT a tract sold to Loyd O. and Maude Robinson as described in Deed Book 141 on page 10 in said office, and also EXCEPT a tract sold to John Harris as described in Deed Book 115 on page 268 in said office, situated in Shelby County, Alabama.

FINAL DECREE

(2) At the time of filing of said bill of complaint, no suit was pending in this cause coming on to be heard was submitted for final decree upon complainant's verified bill of complaint, the decree pro confesso rendered herein, the answer of the guardian ad litem, the testimony of C. O. Chambless, T. H. and was filed against said lands and against any and all persons,

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Walton, Eva Lansford, William H. Natter and J. Robert Fleenor, taken orally before the commissioner duly appointed by the Register, and the pleadings and proof, all as noted in the note of testimony for submission signed by the solicitor for complainant and the guardian ad litem and filed by the Register, and the same being considered and understood by the Court, the Court considering only such proof and testimony as is relevant, material, competent and legal, finds the facts, states its conclusions and renders its decree as follows:

FINDINGS OF FACT

(1) The complainant, at the time of filing her verified bill of complaint in this cause, claimed in her own right to own an absolute fee simple title to, and was in the actual, peaceable possession of, the lands described in the bill of complaint as follows:

All that part of the SE-1/4 of the NE-1/4 and of the NE-1/4 of the SE-1/4 of Section 13, Township 22 South, Range 2 West, that lies northeast of Spring Creek Road, EXCEPT a tract sold to Willie Poels as described in Deed Book 113 on page 570 in the Office of the Judge of Probate of Shelby County, Alabama, and EXCEPT a tract sold to Raven E. Griffin as described in Deed Book 112 on page 557 in said office, and EXCEPT a tract sold to Loyd O. and Maude Robinson as described in Deed Book 141 on page 20 in said office, and also EXCEPT a tract sold to John Harris as described in Deed Book 115 on page 263 in said office, situated in Shelby County, Alabama.

(2) At the time of filing of said bill of complaint no suit was pending to test the complainant's title to, interest in, or the right to possession of said lands.

(3) Said bill of complaint was and is duly verified, and was filed against said lands and against any and all persons,

associations or corporations, claiming or reputed to claim any title to, interest in, lien or encumbrance on said lands or any part thereof, and was to establish the right and title to said lands, and to clear up all doubts and disputes concerning the same, and said bill of complaint did in all respects comply with the provisions of the law.

that and personally possession of said lands for ten years.

(4) The complainant does not know the present address and whereabouts of the respondents, Douglas G. Logan and Leila Mae Countryman, and complainant does not know whether the said persons are alive. The complainant has exercised reasonable diligence in trying to determine the present address and whereabouts of the said Douglas G. Logan and Leila Mae Countryman, and whether the said persons are alive, and if deceased, the names, ages and addresses of their respective heirs or devisees, and has been unable to do so.

during each of such years, and no other person, association or corporation.

(5) The complainant does not know the present address and whereabouts of the respondents, United States Realty Corporation and Coosa Land Company, and whether said corporation and company are still in existence, and, if said corporation and company, or either of them, are not still in existence, the names, ages and addresses of the persons, associations or corporations who were their respective stockholders and directors at the time said corporation and company, or either of them, ceased to exist, and whether such persons are alive, and if deceased, the names, ages and addresses of their respective heirs or devisees. The complainant has exercised reasonable diligence trying to determine such matters and has been unable to do so.

for as being correct, was recorded as a lien pending in the Office of the

(6) The complainant, after exercising reasonable diligence, has been unable to ascertain and does not know the



names, ages or whereabouts or mental capacities of any parties respondent to this cause, or whether any such parties are living or dead.

(7) The complainant and those through whom she claims have held color of title to and have been in the actual and peaceable possession of said lands for ten years immediately preceding the filing of the bill of complaint in this cause, and no other person, association or corporation has had any possession of said lands or any part thereof during such period.

(8) The complainant and those through whom she claims have assessed said lands for ad valorem taxes for each of the ten years next preceding the filing of the bill of complaint in this cause, and have paid taxes becoming due thereon during each of such years, and no other person, association or corporation has assessed said lands or any part thereof or any interest therein or paid any taxes thereon during such years.

(9) Notice of the pendency of the bill of complaint filed in this cause was drawn and signed by the Register of this Court, and said Register had such notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper published and having general circulation in Shelby County, Alabama, as prescribed by a rule of this Court or order made in this cause.

(10) A copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the Office of the Judge of Probate of Shelby County, Alabama.

(11) More than sixty days have elapsed since the first publication of said notice and the filing of a certified copy of said notice in the Probate Office of Shelby County, Alabama.

(12) No person, association or corporation has intervened in this cause.

(13) The guardian ad litem heretofore appointed to represent all the respondents to this cause who are under the age of twenty-one years, incompetent, unknown or in the military service of the United States of America, accepted his appointment as guardian ad litem and filed an answer denying the averments of the bill of complaint and demanding strict proof thereof, and said guardian ad litem was present at the taking of the necessary testimony and proof in this cause and fully and adequately represented the interests of all minors, incompetents, unknown parties and parties in the military service of the United States of America, and no other respondent to this cause filed a demurrer, plea or answer to the bill of complaint within the time allowed by law, and a decree pro confesso was taken against such parties.

(14) Each of the averments of fact in the bill of complaint is true.

CONCLUSIONS OF LAW

(1) This cause was properly brought as an in rem action against said lands.



(2) This cause was also properly brought against Douglas G. Logan, and his heirs or devisees, if deceased; Leila Mae Countryman, and her heirs or devisees, if deceased; United States Realty Corporation; Coosa Land Company; and all other persons, associations or corporations, including without limitation the persons, associations or corporations who were the respective stockholders and directors of the said United States Realty Corporation and Coosa Land Company at the time said corporation and company, or either of them, ceased to exist, if said corporation and company, or either of them, are not now in existence, and the heirs and devisees of such person, if deceased, who claim or are reputed to claim any title to, interest in or lien or encumbrance on said lands or any part thereof.

(3) All persons, associations or corporations who claim or are reputed to claim any title to, interest in or lien or encumbrance on said lands or any part thereof are properly before this Court and their claim of title to, interest in, or lien or encumbrance on said lands or any part thereof will be finally and conclusively determined by this decree.

DECREE

IT IS, THEREFORE, upon consideration of this Court, ORDERED, ADJUDGED and DECREED by this Court as follows:

(1) The complainant is entitled to the relief prayed for in its bill of complaint, and the fee simple title claimed by complainant in said lands has been duly proven.

(2) The complainant is the owner of said lands and has an absolute fee simple title thereto, free of all liens or encumbrances except the lien for non-delinquent ad valorem taxes and easements if any created by instruments recorded in Deed Book 90 at page 181, Deed Book 90 at page 323, Deed Book 126 at page 151 and Deed Book 141 at page 302, respectively, in the Office of the Judge of Probate of Shelby County, Alabama, and its said title thereto is hereby established, and all doubts and disputes concerning the same are hereby cleared up.

(3) None of the respondents in this cause has any right, title, interest, lien or encumbrance on said lands or any part thereof.

(4) A certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and be indexed in the name of Mary Emma Anderson on both the direct and indirect index of record thereof.

(5) The guardian ad litem in this cause is awarded the amount of \$ 25.00 as payment for his services as such guardian ad litem, the same to be taxed as a part of the costs herein.

RECORDED & INDEXED  
& \$ DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

(6) The complainant shall pay the costs of this proceeding, for which let execution issue.

Done this 21st day of April, 1964.

A. L. Hardaway  
Circuit Judge of Shelby County, Alabama  
In Equity Sitting

Filed in office this 21 day of April 1964  
L. B. Zullow  
Register in Chancery, Shelby County, Ala.

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REGISTER'S CERTIFICATE

STATE OF ALABAMA,

IN CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SHELBY COUNTY.

I, L. G. Fulton, Register of the Circuit Court of Shelby County, Alabama, hereby certify that the attached and foregoing is a true and correct copy of the original decree rendered by the Judge of the Circuit Court in the therein stated cause, which said decree is on file and enrolled in my office in the Minute Book of said Court.

Witness my hand and seal this the 23rd day of April, 1964.

L. G. Fulton  
Register of Circuit Court,  
In Equity



STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON 4/29 1964  
RECORDED & \$2.00 REG. TAX  
& \$0.00 DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

Conrad M. Jaulin  
JUDGE OF PROBATE