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MARION FRANCES CLAYTON SELLERS,

COMPLAINANT

VS.

BEN WILLIAMS, SR., N. L. WILLIAMS,

and N. L. WILLIAMS, JR.,

RESPONDENTS

IN THE SHELBY COUNTY

LAW AND EQUITY COURT

OF

SHELBY COUNTY, ALABAMA

EQUITY CASE NO. 495

FINAL DECREE

This being the date and time set heretofore by the Court for trial of the above styled cause, and said cause coming now for final decree on the pleadings and proof as submitted by the Complainant and the Respondents and as noted by the Register, the Court now, having considered and understood the same, makes the following findings of facts:

1. That the Complainant, Marion Frances Clayton Sellers, nee Marion McGrady, is in the actual peaceable possession of the following described property, viz.:

The southwest quarter (SW $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) and the southeast quarter (SE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of Section 3, Township 22, Range 2 West, consisting of 80 acres, more or less, and situated in Shelby County, Alabama,

claiming to own the same in her own right.

2. That the Complainant's mother, Mrs. Ida M. Clayton, formerly owned said property and formerly conveyed said property to the Respondents, N. L. Williams, Jr., and Ben Williams, Sr., on, to wit, August 26, 1929, as shown by deed recorded in Deed Book 83 at page 549, Office of the Judge of Probate of Shelby County, Alabama, taking a purchase money mortgage on said property from said Respondents securing the purchase price thereof, as shown by mortgage recorded in Mortgage Book 158 at page 421 in said Probate Office.

That said Respondents failed to make the payments which became due on said purchase money mortgage, and allowed said mortgage to become in default, and that said Respondents have never paid said indebtedness and have made no payment thereon since, to wit, the year 1931.

That said Respondents did, during the year, to wit, 1932, relinquish and abandon entirely and completely their possession of said property and have not possessed said property, nor any part thereof, since said year, 1932, until this date.

That the Respondents have not assessed nor listed said property for taxation since, to wit, the year 1933, and that said Respondents have paid no taxes on said property since, to wit, the year 1931.

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That said Respondents have never redeemed said property from said mortgage recorded in Mortgage Book 158 at page 121, nor from any foreclosure thereof.

3. That said Mrs. Ida Clayton did during the year 1932, and subsequent to said Respondents's abandonment of said property, assume actual physical adverse possession of said property under claim of right and by virtue of said Respondents's default under said purchase money mortgage, and by virtue of a tax redemption of said property on October 12, 1933, as shown in Tax Sale Record 11 at page 29 in said Probate Office. That said adverse possession of said Mrs. Ida Clayton continued until the time of her death in the year 1935, and has been continued since the time of her death by her surviving husband, J. W. Clayton, until the time of his death in 1939, and has been continued since the death of said J. W. Clayton by the Complainant until the present date, said Complainant claiming her title as sole surviving devisee under the Last Will and Testament of said Mrs. Ida Clayton, as shown by a certified copy of said Last Will and Testament and the certificate of probate thereof recorded in Deed Book 230 at page 878 and 879 in said Probate Office.

4. That Complainant, and her predecessor in title, the said Mrs. Ida Clayton, have annually listed the said property for taxation in Shelby County, Alabama, since, towit, 1934, and for more than, towit, thirty years prior to the commencement of this action, and have paid all of the taxes due under said annual listings for taxation during the whole of said period of, towit, thirty years prior to the commencement of this action. That no person or corporation other than the Complainant and her said mother, Mrs. Ida Clayton, the person through whom Complainant claims, has paid taxes on said property during any part of said period of, towit, thirty years prior to the commencement of this action, and that the Respondents have not had any possession of said property, nor any part thereof, during the 30 years next preceding the filing of the Bill of Complaint in this cause.

5. That no suit was pending at the time of the filing of the Bill of Complaint in this cause, to enforce or test the validity of the right, title, claim, or encumbrance of said Respondents in and to the real property described above.

6. That the allegations of fact contained in said Bill of Complaint, as amended, are true and correct.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECreed by the Court as follows;

A. That the Complainant, Marion Frances Clayton Sellers, is the owner of

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the following described real property:

The southwest quarter (SW $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) and the southeast quarter (SE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of Section 3, Township 22, Range 2 West, consisting of 80 acres, more or less, and situated in Shelby County, Alabama.

B. That the Respondents, Ben Williams, Sr., N. L. Williams, and N. L. Williams, Jr., have no right, title, claim, or interest in or encumbrance on said property, or any part thereof.

C. That a certified copy of this decree be recorded by the Register in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the name of the Complainant and the Respondent.

D. That costs in this cause be taxed against the Complainant, Marion Frances Clayton Sellors, for which let execution issue.

Done and ordered on this 8th day of June, 1964.

s/ Handy Ellis
Judge

STATE OF ALABAMA

SHELBY COUNTY

I, L. G. 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, which said decree is on file and enrolled in my office.

Witness my hand and seal this the 8th day of June, 1964.

L. G. Fulton
Register of the Shelby County Law and Equity Court of Shelby County, Alabama

FILED IN OFFICE This 8 day of
June 1964
L. G. Fulton
Ex-Officio Register of Shelby County,
Law and Equity Court

STATE OF ALA. SHELEY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 10 JUN 1964
RECORDED & S. MTC, TAX
X S. DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

C. M. Fowler
JUDGE OF PROBATE