

8844  
G. I. TULAN,

COMPLAINANT,

VS.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

IN EQUITY

CASE NO. 4631

All that part of Lot 23 in Block "A" Nickerson's Addition to Alabaster, as recorded in Map Book 3, Page 69, in the Probate Office of Shelby County, Alabama, that lies Northeast of U. S. Highway No. 31 right of way;

All that part of Lot 4 in Block "B" Nickerson's Addition to Alabaster, as recorded in Map Book 3 on page 69 in Probate Office of Shelby County, Alabama, that lies north of the

right of way of Federal Highway #65;

Also begin at the northwest corner of

$S\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ , Section 1, Township 21

South, Range 3 West and run south 2

deg. 23 min. east 190 feet; thence

run north 87 deg. 55 min East 450

feet to point of beginning of the parcel

herein described which is the NE corner

of Lot 7 in Block "B" Nickerson's

Addition to Alabaster; thence continue

easterly and run north 87 deg. 55 min.

East to the west right of way line of

Federal Highway No. 65, thence in a

Southwesterly direction along the west-

erly right of way line of Federal Highway

No. 65 to its intersection with the east

line of Lot 5 in Block "B" according to

Nickerson's Addition to Alabaster; thence

run northeasterly or northerly direction

along the east line of Lots 5, 6, and 7

in Block "B" according to Nickerson's

Addition to Alabaster to the point of

beginning;

Also, a part of the  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of said

Section 1, Township 21 South, Range 3

West described as follows: Commence at

the northeast corner of said  $\frac{1}{4}$   $\frac{1}{4}$  Section

and run south 2 deg. 23 min. East along

east boundary line 660 feet to a point;

thence south 87 deg. 55 min. West 660

feet to the point of beginning of the

tract herein described; thence run South

87 deg. 55 min. West 643.7 feet to the

northeast corner of Lot 25 Block "A"

Nickerson's Addition to Alabaster; thence

run south 2 deg. 23 min. East 160 feet

along said lot line; thence run north

87 deg. 55 min. East along north margin

of a Street 450 feet to a point; thence

run South 2 deg. 23 min. East 30 feet

to northeast corner of Lot 7 in Block

"B" of said Subdivision; thence run

north 87 deg. 55 min. East 193.7 feet;

thence run north 2 deg. 23 min. west 190

feet to point of beginning, all being

situated in Shelby County, Alabama;

H. D. Session and his heirs or devisees,

if deceased; the heirs or devisees of

Willie Martin, deceased; Georgia Martin

and her heirs or devisees, if deceased;

Alberta Wolverton and her heirs or

devisees, if deceased; Katie Martin

Williams and her heirs or devisees, if

deceased; Mary Robertson and her heirs

or devisees, if deceased; Alberta Wolverton

Jackson and her heirs or devisees, if deceased; all persons, firms, or corporations who, unknown to complainant, claim or are reputed to claim any title to, interest in, or lien or encumbrance on the above described lands or any part thereof; and the heirs and devisees of any persons, if deceased, who unknown to complainant, claim or are reputed to claim any title to, interest in, or lien or encumbrance on the above described lands or any part thereof,

#### RESPONDENTS

#### FINAL DECREE

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 the complainant T. J. Tolan, and his attorney Frank Ellis, Jr., taken orally before the commissioner duly appointed by the Register, and the pleadings and proof, all as noted in the note of testimony 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 hereby renders this decree as follows:

IT IS, THEREFORE, Upon consideration of this Court, considered, ordered, adjudged and decreed by this Court as follows:

1. The complainant is entitled to the relief prayed for in his 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 liens or encumbrances except the lien for non-delinquent ad valorem taxes and easements, if any, created by instruments recorded in Deed Book 210, page 111, Deed Book 213, page 385; Deed Book 179, page 359; Deed Book 130, page 139; Deed Book 213, page 389; Deed Book 180, page 29; Deed Book 169, page 346; Deed Book 179, page 364; Deed Book 60, page 66; and Deed Book 48, page 617, all of which said easements, if any, being created by said instruments in favor of Alabama Power Company, a corporation, and the title of complainant in and to said lands hereby established and all doubts and disputes concerning the same are hereby cleared up and removed, said property being situated in Shelby County, Alabama, and being more particularly described as follows, to-wit:

All that part of Lot 23 in Block "A" Nickerson's Addition to Alabaster, as recorded in Map Book 3, page 69, in the Probate Office of Shelby County, Alabama, that lies Northeast of U. S. Highway No. 31 right of way; All that part of Lot 4 in Block "B" Nickerson's Addition to Alabaster, as recorded in Map Book



3 on page 69 in Probate Office of Shelby County, Alabama, that lies north of the right of way of Federal Highway #65; Also begin at the northwest corner of S $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West and run south 2 deg. 23' east 190 feet; thence run north 87 deg. 55' East 450 feet to point of beginning of the parcel herein described which is the NE corner of Lot 7 in Block "B" Nickerson's Addition to Alabaster; thence continue easterly and run north 87 deg. 55' East to the west right of way line of Federal Highway #65; thence in a Southwesterly direction along the westerly right of way line of Federal Highway #65 to its intersection with the east line of Lot 5 in Block "B" according to Nickerson's Addition to Alabaster; thence run northeasterly or northerly direction along the east line of Lots 5, 6, and 7 in Block "B" according to Nickerson's Addition to Alabaster to the point of beginning; Also, a part of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 1, Township 21 South, Range 3 West described as follows: Commence at the northeast corner of said  $\frac{1}{4}$   $\frac{1}{4}$  Section and run south 2 deg. 23' East along east boundary line 660 feet to a point; thence south 87 deg. 55' West 660 feet to the point of beginning of the tract herein described; thence run South 87 deg. 55' West 643.7 feet to the northeast corner of Lot 25 Block "A" Nickerson's Addition to Alabaster; thence run south 2 deg. 23' East 160 feet along said lot line; thence run north 87 deg. 55' East along north margin of a street 450 feet to a point; thence run South 2 deg. 23' East 30 feet to northeast corner of Lot 7 in Block "B" of said Subdivision; thence run north 87 deg. 55' East 193.7 feet; thence run north 2 deg. 23' West 190 feet to point of beginning, all being situated in Shelby County, Alabama.

3. None of the respondents in this cause and no other person, firm, or corporation other than complainant, 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 Judge of Probate of Shelby County, Alabama, and be indexed in the name of G. J. Tolan 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 part of the cost herein.

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

Dated this 30<sup>th</sup> day of November, 1967.

J. F. H. Anderson  
Circuit Judge of Shelby County,  
Alabama - In Equity Sitting

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CERTIFICATE

STATE OF 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 copy of the Original Decree of record and on file in the therein  
styled cause which remains of record in said court.

This 17th day of January, 1968 .



Register

STATE OF ALA. SHELBY CO.  
RECEIVED BY THIS  
INSTRUMENT WAS FILED  
1968 JAN 20 PM 9:17  
U.C.C. FILE NUMBER ON  
REC. BK. & PAGE AS SHOWN ABOVE  
Gene P. J. Smith  
JUDGE OF PROBATE

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