

Complainants,

SHELBY COUNTY, ALABAMA, IN EQUITY

vs

CASE NO 1081

The following described tract of land: SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 10, Township 20, Range 3 West, Shelby County, Alabama, excepting easement to Plantation Pipe Line Company, and Alabama Power Company and right-of-ways for public road; and the following named persons, if living, or if dead, their unknown heirs or devisees, namely: John R. Furman, J. H. Edmondson, J. M. Kicker, S. D. Bennett, V. L. Brigman, W. E. Roberts, Wm. T. Gewin, Robert W. Furman, G. T. Hollingsworth, Jones & Summerford, John G. Nelson, J. A. McBride, M. Steinberg, J. Steinberg, I. S. Steinberg, Sam Piazza, M. E. Cloud, I. H. Nelson, J. V. Venable, John L. Barber, W. J. Rutherford, W. M. Clark, J. A. Stanley, C. E. Summers, G. W. Summers, Robert L. Mullen, M. Cloniger, J. M. Appling, B. V. Appling, J. F. Bowling, R. H. McIntosh, Hancock & Huey, J. C. Campbell, C. W. Campbell, J. E. Rubenstein, Hubert H. Montgomery, C. D. Watson, Eabe R. Lacey, J. M. Manning, C. D. Watson, Wm. W. Hoy, John Snodgrass, A. E. Foswell, Max Behrman, Rives A. Mankin, W. Davis, S. L. Stanberg, Joe Saks, Amelia Saks, J. Pryor Farley, Etis Johnson, Lula S. Hager, Middle & Teague, C. F. Clift, W. C. Ely, Laura Ely, Annie Brock, E. J. Baldwin, C. J. Crawford, Luella Butler, Mrs. N. J. Butler, J. C. Albritton, S. H. Alexander, J. H. Nelson, Frank Reynolds, Mrs. M. L. MacDougal, Carrie E. Woolly, L. P. Eslinger, W. C. Knight, R. A. Mankin, J. M. Mixon, M. L. Stringer, J. L. Turner, G. G. Varner, Ezekiel Jacob, S. E. Bagley, Smith & Rogers, Floyd Callahan, George W. Long, G. W. Walton, C. J. Sweatt, M. S. Ellis, John S. Collins, W. C. Mills, Anna Brock, Irene L. Brock, Joseph Saks, Willie L. Anderson, Mrs. Ada Reynolds, Jacob Ezekiel, Floyd Golsham, C. C. Boyd, Mrs. W. J. Butler, L. P. Butler, R. G. Long, G. W. Long, Luanda Lowe, John L. Barber, Leona Griffin, T. H. Griffin, I. S. Sterling, Cora M. Wooley, Mrs. L. J. Perry, W. J. Limbrough, H. Legrand, Lena Appling, Leila Sorrow, Kate Kirkland, George G. Appling, Jess T. Appling, S. M. Appling, W. F. Appling, Willie Couch, John L. Appling, Susan Hassell, J. S. Blakney, Louise Baker, A. B. Howard, J. W. Murphy, W. J. Rutherford, Max Ehrman, Sam Pinson, Chas. J. Crawford, Cora M. Huggins, Carrie E. Miller, Edna Newman, L. D. Crawford, R. W. Furman, M. Sterling, J. Sterling and Mrs. Fannie Baydate; Hillard D. Jenkins; Pattie Tucker Lubright, Helena Land Company, a dissolved corporation, and the unknown stockholders of Helena Land Company; and Guarantee Home Building Company, a corporation; and the unknown stockholders of Guarantee Home Building Company; and all parties, who, unknown to complainant claim an interest in or to the property described above,

Respondents.

This cause coming on to be heard on this the 15th day of March, 1968, is submitted for final decree upon complainant's verified bill of complaint, upon the decree pro confesso rendered herein and upon the testimony of J. E. Bearden, Thomas E. Fore, Oscar Harris and Karl C. Harrison taken orally and reduced to writing and also affidavits as listed on note of testimony before the Court by order of the court/and the certificate of the Register, all of which is as noted by the Register, and it appears to the satisfaction of the Court:

First. That the complainant, J. E. Bearden, at the time of the filing of his Bill of Complaint in this cause, claimed in his own right a fee simple title to and was in the actual possession of the following described lands, lying in the County of Shelby, State of Alabama, and more particularly described as follows:

The S¹/₄ of S¹/₄, Section 10, Township 20, Range 3 West, Shelby County, Alabama, excepting easement to Plantation Pipe Line Company, and Alabama Power Company.

Second. That at the time of the filing of said Bill of Complaint, no suit was pending to test his title to or interest in or the right to the possession of said lands.

Third. That his said Bill of Complaint was and is duly verified and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such lands or interest and to clear all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of the Code of 1940, Title 7, Section 1117 as recompiled.

Fourth. That after most reasonable and diligent search and inquiry, all as explained in detail in the testimony in this cause the following named persons respondents were not located and it was not determined whether or not they are living or dead, and if living, what their ages and addresses are at the present time and if deceased, the names, ages and addresses of their heirs or devisees, and the same are unknown, said persons being:

John R. Furman, J. H. Edmondson, J. M. Kicker, S. D. Bennett, V. Brigman, W. Roberts, Wm. T. Gewin, Robert A. Furman, G. T. Hollingsworth, Jones & Summerford, John G. Nelson, J. A. McBride, M. Steinberg, J. Steinberg, I. S. Steinberg, Sam Piazza, M. E. Cloud, I. H. Nelson, J. Venable, John A. Barber, W. J. Rutherford, W. M. Clark, J. A. Stanley, C. E. Summers, G. W. Summers, Robert E. Mullen, M. Cloniger, J. M. Appling, W. V. Appling, J. F. Bowling, A. H. McIntosh, Hancock W. Huey, J. C. Campbell, W. A. Campbell, J. E. Rubenstein, Hubert H. Montgomery, C. D. Watson, Habe Lacey, J. M. Manning, C. D. Watson, Wm. W. Roy, John Snodgrass, A. L. Goswail Max Behrman, Wives L. Mankin, W. Davis, S. L. Stanberg, Joe Saks, Annie Saks, J. Pryor Farley, L. S. Johnson, Lula S. Hager, Middle & Teague, C. F. Clift, W. C. Ly, Lura Ly, Annie Brock, W. J. Baldwin, G. J. Crawford, Luella Butler, Mrs. M. J. Butler, J. C. Albritton, S. H. Alexander, J. H. Nelson, Frank Reynolds, Mrs. M. L. McDougal, Carrie L. Woolly, W. P. Aslenger, W. C. Knight, W. L. Mankin, J. M. Nixon, M. L. Stringer, J. L. Turner, G. G. Varner, Ezekiel Jacob, E. L. Sagle, Smith & Rogers, Floyd Callahan, George L. Long, G. W. Walton, C. J. Sweatt, M. E. Ellis, John S. Collins, W. C. Mills, Anna Brock, Irene L. Brock, Joseph Saks, Willie L. Anderson, Mrs. Ada Reynolds, Jacob Ezekiel, Floyd Golsham, C. C. Boyd, Mrs. W. J. Butler, A. P. Butler, W. G. Long, G. W. Long, Luanda Lowe, John L. Barber, Leona Griffin, T. H. Griffin, I. S. Sterling, Cora M. Woolley, Mrs. A. J. Perry, W. J. Ambrough, H. Legend, Lena Appling, Ella Burrow, Kate Kirkland, George G. Appling, Jess T. Appling, S. M. Appling, W. L. Appling, Willie Couch, John L. Appling, Susan Hassell, J. S. Alkney, Louise Baker, A. B. Howard, J. L. Murphy, W. J. Rutherford, Max Lohrman, Sam Pinson, Chas. J. Crawford, Cora M. Huggins, Carrie Miller, Edna Newman, W. D. Crawford, W. W. Furman, M. Sterling, J. Sterling, Mrs. Fannie Laydate, the unknown stockholders of Helens Land Company, a dissolved corporation, and the unknown stockholders of Guarantee Home Building Company, a dissolved corporation, and all parties who, unknown to complainant, claim an interest in or to the above described property.

That respondents Hillard D. Jenkins and Pattie Tucker Lubright were served, but did not file any answer or appearance in this cause and a decree pro confesso has been taken against them.

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Fifth. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of this Court and said Register did have such notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper having general circulation and published in Shelby County, Alabama, as prescribed by rule of this Court, or by an order made in this cause.

Sixth. That a copy of said notice, certified by the Register as being correct was recorded as a lis pendens in the office of the Probate Judge of said county, said notice being in strict accord and compliance with Code of Alabama 1940, Title 7, Section 1121 as Recompiled.

Seventh. That it has been more than sixty days since the first publication of said notice and filing of a certified copy of said notice in the office of the Probate Judge of said County.

Eighth. That no person has intervened in this cause.

Ninth. That all of the allegations of fact contained in complainant's bill of complaint are true. It is, therefore,


ORDERED, ADJUDGED AND DECREED BY THE COURT (1) That complainant is entitled to the relief prayed for in his Bill of Complaint, and that the fee simple title claimed by complainant in the above described lands has been duly proven.

2. That the complainant is the owner of said lands, and has a fee simple title thereto, free of all liens and encumbrances and that his said title thereto be and is hereby established, and that all doubts and disputes concerning the same be and are hereby cleared up.

3. That a certified copy of this decree be recorded in the office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the name of J. W. Bearden vs John E. Furman, et al and certain lands, on both the direct index and the indirect index of the record thereof.

4. That complainant pay the cost of these proceedings, for which let execution issue.

Done this the 15th day of March, 1963.


Judge

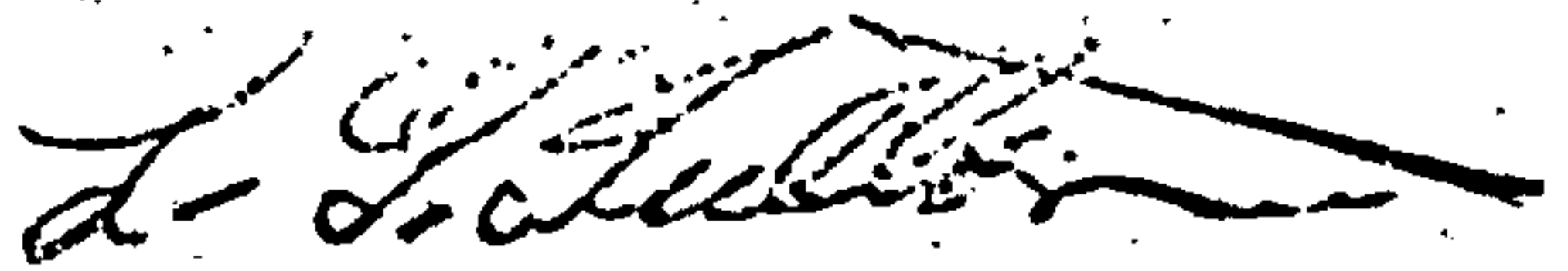
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CERTIFICATE

STATE OF ALABAMA,
SHELBY COUNTY.

I, L. G. Fulton, Register of the Law and Equity Court of Shelby County, Alabama, hereby certify that the attached and foregoing is a true copy of the original decree rendered by the Hon. Harold E. Walden, Judge of said court on the 15th day of March, 1968, in the therein styled cause. The original remains on file and of record in said court.

Witness my hand this 15th day of
March, 1968.



Register

STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILED
1968 JUL 11 AM 10:07
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Done by Judge
JUDGE OF PROBATE

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