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PHILIP J. KYSER,

Complainant,

vs.

IN THE LAW & EQUITY COURT OF

SHELBY COUNTY, ALABAMA

IN EQUITY, CASE NO. 1091

JOE TRENHOLM, ROBERT PRENTICE, JR.,
LIZZIE MAE SMITH, ROBERT PRENTICE, SR.,
ROSIE LEE TRENHOLM, JESSIE LEE GLASS,
CRAIG TRENHOLM, ANNIE MAE TRENHOLM,
ZACKIE ANN TRENHOLM, LINDA DELOIS TRENHOLM,
EDDIE FRANK TRENHOLM and TERRY TRENHOLM,

Respondents.

DECREE

This cause coming on to be heard on this the 1st day of Oct, 1963, is submitted for final decree upon complainant's verified bill of complaint, upon the decree pro confesso rendered herein and upon the testimony of Victor Scott, John Richardson and Karl C. Harrison taken orally 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, Philip J. Kysor, 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:

All that part of the West 110 yards of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, Township 24, Range 13 East that lies south of the right of way of the Montevallo-Columbiana Highway.

Second. That at the time of the filing of said Bill of Complaint, no suit was pending to test his title to, 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 Joe Trenholm, if living is over the age of 21 years, but his whereabouts are unknown and cannot be ascertained after diligent effort; if dead, the names and addresses of his heirs, devisees or legatees are unknown and cannot

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be ascertained after diligent effort; that respondent Robert Prentice, Jr. is over the age of 21 years and is a resident of Shelby County, Alabama, his address being Route One, Columbiana, Alabama; that respondent Lissie Mae Smith is a minor and a nonresident of the State of Alabama, and her custodian is Annie Mae Trenholm, whose address is 20-1st Avenue, Spring Valley, New York, New York; that respondent Robert Prentice, Sr. is over the age of 21 years, is a resident of Shelby County, Alabama, his address being Route 2, Columbiana, Alabama; that respondent Rosie Lee Trenholm is over the age of 21 years, is a resident of Shelby County, Alabama, her address being Calera, Alabama; that Jessie Lee Glass is over the age of 21 years, is a nonresident of the State of Alabama, her address being 526 Garden Street, Apartment 1, Hartford, Connecticut 06112; that respondent Craig Trenholm is over the age of 21 years, is a resident of Shelby County, Alabama, his address being Route One, Columbiana, Alabama; that respondent Annie Mae Trenholm is over the age of 21 years, is a nonresident of the State of Alabama, her address being 20-1st Avenue, Spring Valley, New York, New York; that respondent Zadio Ann Trenholm, Linda Doleis Trenholm, Eddie Frank Trenholm and Terry Trenholm are minors who are living with their mother, Annie Mae Trenholm, who is their custodian at 20-1st Avenue, Spring Valley, New York, New York.

... Fifth. That notice of the pendency of said Bill of Complaint was drawn and all respondents whose addresses were known were properly served notice, 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 the respondents, Joe Trenholm, Robert Prentice, Jr., Lissie Mae Smith, Robert Prentice, Sr., Rosie Lee Trenholm, Jessie Lee Glass, Craig Trenholm, Annie Mae Trenholm, Zackie Ann Trenholm, Linda Dalois Trenholm, Eddie Frank Trenholm and Terry Trenholm, or any other person, firm or corporation, have no right, title or interest in and to the above described land, except for Philip J. Kyser,

4. 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 names of Philip J. Kyser vs. Joe Trenholm, Robert Prentice, Jr., Lissie Mae Smith, Robert, Prentice, Sr., Rosie Lee Trenholm, Jessie Lee Glass, Craig Trenholm, Annie Mae Trenholm, Zackie Ann Trenholm, Linda Dalois Trenholm, Eddie Frank Trenholm and Terry Trenholm and certain lands, on both the direct index and the indirect index of the record thereof.

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

Done this the 1st day of Oct., 1968.

[Signature]
Judge

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
ON NOV 18 PM 3:58
U.C.C. FILE NUMBER OR
BK. & PAGE AS SHOWN ABOVE
Carroll M. Smith
JUDGE OF PROBATE

FILED IN OFFICE, This 1st day of
Oct., 1968

[Signature]
Clerk

Ex-Officio Register of
Law and Equity Court of Shelby County

STATE OF ALABAMA
SHELBY COUNTY,

I, L. G. Fulton, Clerk and Register of the Circuit Court of Shelby County, Alabama, hereby certify that the attached and foregoing is a true and correct

copy of the Final Decree in the case of
Philip J. Kyser Plaintiff vs. Joe
Trenholm, et al Defendant being Docket No. 1091

in said Court. The original remains of record and on file in said Court.

This 11 day of October, 1968

[Signature]
Clerk and Register