

HARRIS M. GORDON and
RUTH L. GORDON,

COMPLAINANTS,

VS.

CERTAIN LANDS and Richard
H. Compton, et al,

RESPONDENTS

) IN THE LAW AND EQUITY COURT OF

) SHELBY COUNTY, ALABAMA

) CASE NO. 1237

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon complainants' verified bill of complaint, the decree pro confesso rendered herein, the appointment and the answer of the Guardian ad Litem, the testimony of Harris M. Gordon, Frank Ellis, Jr., Fay Quick, and Thomas A. Snowden, 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 Complainants and the Guardian ad Litem and filed by the Register in said cause, 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 Complainants, at the time of filing their verified bill of complaint in this cause, claimed in their own right an absolute fee simple title and was in the actual, peaceable possession of the lands described in the bill of complaint as follows:

The $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19,
Township 21 South, Range 1 East, Excepting Highway
Right of way.

Also the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, Township 21
South, Range 1 West, Except two acres off South end,
Shelby County, Alabama.

2. At the time of filing of said bill of complaint no suit was pending to test the complainants' title to, interest in, or the right to possession of said land.

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 being in all respects comply with the provisions of the Law of the State of Alabama.

4. Complainants, after exercising reasonable diligence to locate the whereabouts of respondents J. E. Vico, Mrs. J. E. Vico, Emily Cromwell, Cynthia A. Sturdivant, W. H. Sturdivant, T. B. Williams, and Ellen Williams, and after exercising reasonable diligence

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in an attempt to ascertain with certainty whether the said respondents are alive, are and were unable to locate the whereabouts of said respondents and to ascertain with certainty whether they, or any of them, are alive, and if the said respondents are deceased, to ascertain with certainty the names, ages, and addresses of their respective heirs or devisees.

5. Complainants, after exercising reasonable diligence to locate the heirs or devisees of J. H. Compton, deceased, the heirs or devisees of A. L. Compton, deceased, and the heirs or devisees of Thomas F. Green, deceased, are unable and were unable to ascertain with certainty the name, ages, and addresses of their respective heirs or devisees, with the exception of the names of the respondents Richard H. Compton and William H. Compton who are among the heirs or J. H. Compton, Deceased, and A. L. Compton, deceased, and that complainants were and are unable to ascertain with certainty the ages, names, and addresses of the other heirs or devisees of the said J. H. Compton and A. L. Compton, both deceased.

6. The complainants, 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, all with the exception of the respondents William (Billy) Chandler, Richard H. Compton, and William H. Compton.

7. The complainants and those through whom they claim title have color of title to and have been in the actual and peaceable possession of said land as described in the bill of complaint for ten consecutive years immediately preceeding the filing of the bill of complaint in this cause, and no other person, firm, association or corporation has had any possession of said lands or any part thereof during such period.

8. The complainants and those through whom they claim title have assessed said lands for ad valorem taxes for each of the ten years next preceeding the filing of the bill of complaint in this cause, and have paid taxes becoming due thereon during each of said 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. That due notice and service of the pendency of the bill of complaint in this cause was properly served upon the various respondents, including unknown respondents, according to the rules of this Court and the laws of the State of Alabama.

10. That this cause is properly at issue.

11. That each of the averments of fact in the bill of complaint is true.

CONCLUSIONS OF LAW

1. That this cause was properly brought as an in rem action against said lands and was also properly brought as an in rem action against all respondents designated in the bill of complaint in said cause and also against all unknown respondents so designated.

2. 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.

FINAL DECREE

It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by this Court as follows:

1. The Complainants are entitled to the relief prayed for in their bill of complaint, and the fee simple title claimed by complainants in and to said lands has been proved.

2. The complainants are the owners of said lands and have an absolute fee simple title thereto, free of all liens or encumbrances except the lien in favor of the State of Alabama and Shelby County which secures non-delinquent ad valorem taxes assessed against said lands and easements, if any, under, over, or across said lands created by instruments recorded in Deed Book 126, page 129, Deed Book 224, page 811, in the Probate Records of Shelby County, Alabama, and the title in and to said lands in the complainants in fee simple 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. No person, firm, association, or corporation has any right, title, interest, lien or encumbrance on the above said lands or any part thereof other than the complainants Harris M. Gordon and Ruth L. Gordon, except easements, if any, created by the instruments referred to in Paragraph 2 of this decree.

5. That 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 Harris M. Gordon and Ruth L. Gordon on both the direct and indirect index of record thereof.

6. The Guardian ad Litem in this cause is awarded the amount of \$50.00 as payment for his services as Guardian ad Litem, the same to be taxed as a part of the cost herein.

7.1. The complainants shall pay the costs of these proceedings, for which let execution issue.

Dated this the 21 day of February, 1969.

Harold E. Walden

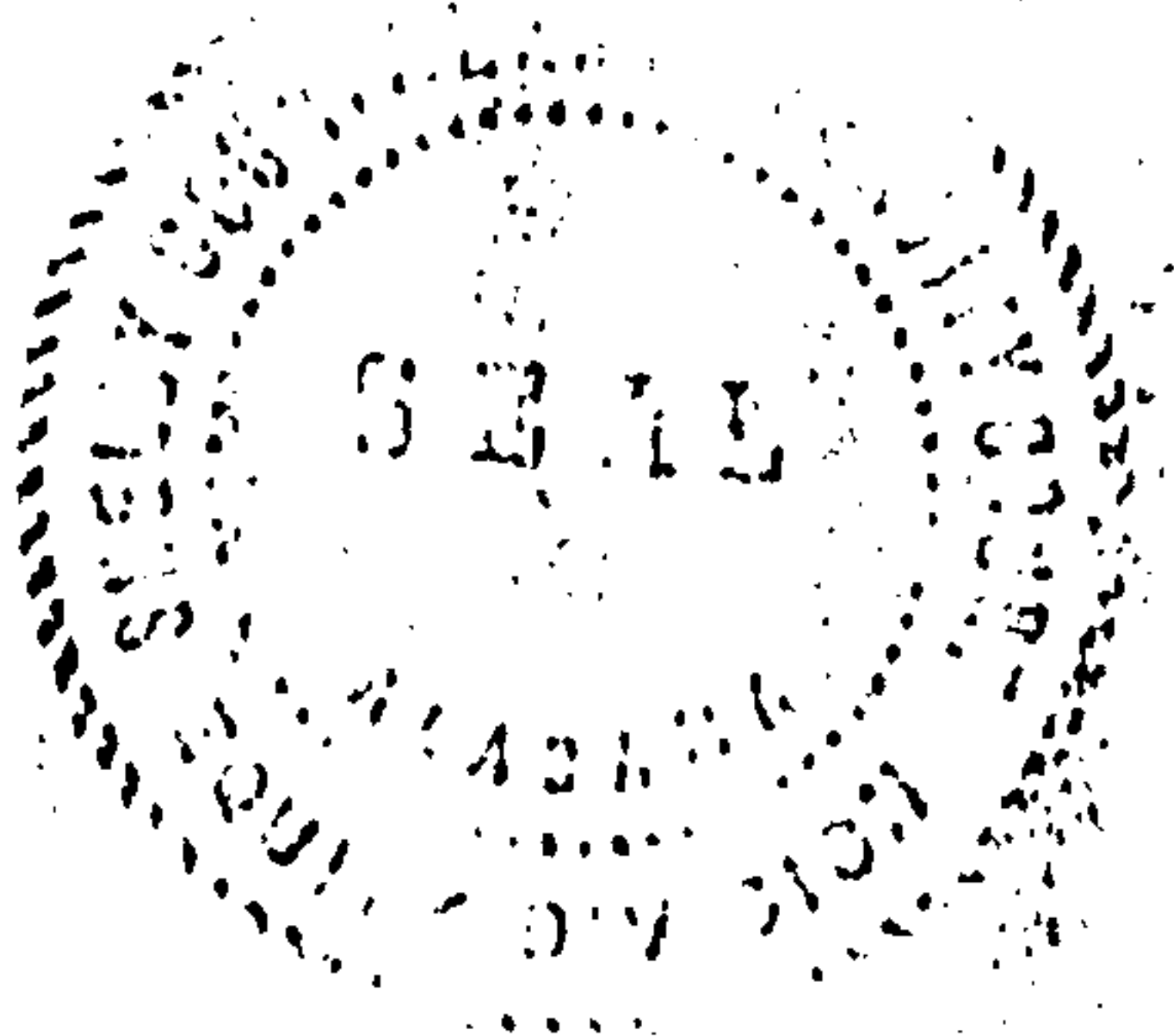
Judge, Law & Equity Court of Shelby
County, Alabama

CERTIFICATE

STATE OF ALABAMA,
SHELBY COUNTY.

I, Sara Ozley, Deputy Ex Officio Register of the Law and Equity Court of Shelby County, Alabama, hereby certify that the attached and foregoing is a true and correct copy of the Final Decree rendered by the Hon Harold E. Walden, Judge of said Court, on the 20th day of February, 1969, the original remaining of record and on file in said court.

Witness my hand this 21st day of February, 1969.



Sara Ozley
Ex Officio Register

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1969 FEB 21 PM 4:20
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Candy M. Mendenhall
JUDGE OF PROBATE