

1162
UNITED STATES GYPSUM COMPANY,
a Delaware Corporation,

Complainant,

vs

Certain land, L. J. Garrett, et al

Respondents.

IN THE LAW & EQUITY COURT OF
SHELBY COUNTY, ALABAMA,
EQUITY DIVISION

CASE NO. 111

This cause coming on to be heard on this the 4th day of December, 1969, is submitted for final decree upon complainant's verified bill of complaint as amended, upon the decree pro confesso rendered herein and upon the testimony of T. H. Walton 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 acted by the Register, and it appears to the satisfaction of the Court:

First. That the complainant, United States Gypsum Company, a Delaware Corporation, at the time of the filing of its bill of complaint as amended in this cause, claimed in its own right a fee simple title to and was in the actual peaceable possession of the following described lands, lying in the County of Shelby, State of Alabama, and more particularly described as follows:

The NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, Township 24, Range 13 East;
Also the west $\frac{1}{2}$ acres of uniform width off the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$,
Section 5, Township 24, Range 13 East;
All situated in Shelby County, Alabama.

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

Third. That its said Bill of Complaint as amended 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 as amended did in all respects comply with the provisions of the Code of 1940, Title 7, Section 1117 as recompiled.

Fourth. That the following respondents were found to be over the age of 21 years and their addresses were known and the same were served by personal service or certified mail, namely: L. J. Garrett, Route 1, Calera, Alabama; Ellie Garrett, Route One, Calera, Alabama; Agnes Hardy Thomason, Ozark, Alabama; John Lester Hardy, Montevallo, Alabama; Emily Hardy Rush, a nonresident of the State of Alabama, her address being 6312 Leonardo Street, Coral Gables, Florida; Fred H. Hardy, Jr., 3143 Pinehurst Avenue, Montgomery, Alabama; Julian P. Hardy, 2927

Balnoral Road, Birmingham, Alabama; James B. Hardy, 2531 Eastover, Jackson, Mississippi; William T. Hardy, Wildwood Road, Gadsden, Alabama; William Caiters, Jr., Saginaw, Alabama; Estella Keith Thomas, a nonresident of the State of Alabama, her address being 451 King Street, Detroit, Michigan; Jetty Garner, c/o Estella K. Thomas, 451 King Street, Detroit, Michigan; she being a nonresident of the State of Alabama; T. H. Walton, Calera, Alabama; Willie James Jackson, a resident of the State of Alabama, his address being Calera, Alabama; Gladys M. Jackson, a resident of the State of Alabama, her address being Calera, Alabama.

That after most reasonable and diligent search and inquiry 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 were unknown, said persons being: R. E. O'Brien, Maria A. O'Brien, James Clifford, Thomas J. Wells, Emma A. Wells, George Gilmer or George Gilmore, Hanna Gilmore, Jennie Gilmore, A. T. Thomas, Russell Hale, Samuel M. Pickler, Ida M. Pickler, E. J. Reynolds, M. J. Reynolds, John Ervin, Louisa Garner, D. F. Falkner, Jane Falkner, Sallie Carlton, Jim Carlton, Nick Gilmore, Jim Boyle, Delilah Garner, Arthur Roberson, Bettie Chambless, Ella Roberson and any other persons, who, unknown to complainant, claim an interest in or to the above described land.

Fifth. That notice of the pendency of said Bill of Complaint as amended 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, except for T. H. Walton and Willie J. Jackson and Gladys M. Jackson and they have worked out an agreement with the complainant whereby an execution of deeds have been consummated.

Ninth. That all of the allegations of fact contained in complainant's bill of complaint as amended 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 its 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 United States Gypsum Company, a Delaware Corporation, vs. L. J. Garrett, et al and certain lands, on both the direct index and the indirect index of the record thereof.

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

Done this the 4 day of December, 1969.

Philip S. Molder
Judge

FILED IN OFFICE, This 4 day of Dec., 1969

L. J. Garrett
Es. Off. Register of
Law and Equity Court of Shelby County

CERTIFICATE

STATE OF ALABAMA,
SHELBY COUNTY.

I, Sara Ozley, Deputy Register of Law and Equity Court of Shelby County, Alabama, hereby certify that the above and foregoing is a true and correct copy of the Final Decree filed in the therein styled cause on the 4th day of December, 1969; the original remains of record and on file in said court.

Witness my hand and the seal of the court this the 4th day of December, 1969.

Sara Ozley
Deputy Clerk

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1970 JAN 20 AM 8:27
U.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Clerk of Probate
JUDGE OF PROBATE