

3798
J. W. LODGE and
EARNESTINE LODGE,
COMPLAINANTS

VS.

JAMES MARVIN SMITH and
wife, SARAH LOUISE SMITH,

RESPONDENTS

IN THE LAW AND EQUITY COURT
OF SHELBY COUNTY, ALABAMA
EQUITY CASE NO. 1536

FINAL DECREE

It appearing to the satisfaction of the Court that the Bill of Complaint heretofore filed in the above cause was brought under the provisions of Chapter 32 of Title 7 of 1940 Code of Alabama, as recompiled in 1958, the Complainants, J. W. Lodge and Earnestine Lodge, alleging in said Bill of Complaint that they were, at the time of the filing of said Bill of Complaint, in the peaceable possession of the following described property situated in Shelby County, Alabama, viz.:

Begin at the Northwest corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, Township 22 South, Range 2 West and run South 84 feet to a ditch for point of beginning of lot herein described; thence along the center of said ditch in a Southwesterly direction 262 feet, more or less, to the East right of way line of the Spring Creek Road; thence Southeasterly along the East right of way line of said Spring Creek Road to the West line of said Northwest Quarter of Southeast Quarter of said Section 20, being the East line of Tract 446, according to a map entitled "Farm Map of the Calera Land Company's property of Calera, Shelby County, Alabama"; thence run North, along the West line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 20 and along the East line of said Tract 446 to the point of beginning,

claiming to own the same in their own right, and alleging that the Respondents, James Marvin Smith and Sarah Louise Smith, claimed or were reputed to claim some right, title, or interest in or encumbrance upon such lands, and further alleging that no suit was, at the time of the filing of said Bill of Complaint, pending to enforce or test the validity of such title, claim, or encumbrance of said Respondents, the said Complainants calling upon the said Respondents to set forth and specify their title, claim, interest, or encumbrance, and how and by what instrument

the same is derived and created,

And it further appearing to the satisfaction of the Court that said Respondent were served with notice in this cause, as provided by law, more than thirty days prior hereto and have failed to this date to set forth and specify their title, claim, interest, or encumbrance to said real property, and how and by what instrument the same is derived and created.

And this cause now coming on for final decree upon the original Bill of Complaint, Decrees Pro Confesso against the Respondents, James Marvin Smith and Sarah Louise Smith, and upon the other pleadings and proof and testimony as noted by the Register, and the Court having considered and understood the same, is of the opinion that the Complainants are entitled to the relief prayed for in their Bill of Complaint.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED by the Court as follows:

1. That the Respondents to this cause, James Marvin Smith and Sarah Louise Smith, have no claim to, nor estate or interest in, nor encumbrance on said real estate more particularly described above in this decree, nor any part thereof, and that, as between the Complainants, J. W. Lodge and Earnestine Lodge, and the Respondents, James Marvin Smith and Sarah Louise Smith, the Complainants are the owners of said real estate.

2. That a copy of this Decree, certified by the Register as being a true and correct copy of the original Decree entered in this cause, be recorded by the Register of this Court in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in said Probate Office in the names of the Complainants and the Respondents on both the direct indexes and the indirect indexes of Deeds.

3. That costs in this cause be, and the same are hereby, taxed against Complainants, J. W. Lodge and Earnestine Lodge,

for which let execution issue.

DONE AND ORDERED this 8 day of June, 1970.

S/ Harold E. Walden

Judge

FILED IN OFFICE, This 8 day of

June, 1970

L. G. Fulton
Clerk

In Office Register of
Law and Equity Court of Shelby County

STATE OF ALABAMA

SHELBY COUNTY

I, L. G. Fulton, Register of the Law and Equity Court of Shelby County, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the original final Decree entered in the above styled cause by Honorable Harold E. Walden, Judge of said Court, on the 8 day of June, 1970, which said final Decree is on file and enrolled in my office.

Witness my hand and seal this 8 day of June, 1970.

L. G. Fulton

Register, Law and Equity Court of
Shelby County, Alabama

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
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