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Shelby Cnty Judge of Probate, AL  
06/28/1971 12:00:00 AM FILED/CERT

Beulah Woods, Lucille Woods, Elizabeth W.  
Holmes, Charlotte, W. Jones, William Woods,  
Andrew Woods, Oscar Woods, Erma Mae Woods Baker,  
Mary W. Dooley, Eugene Woods, Norman Woods,  
Bobbie Lee Woods, Arthur Lee Woods, Jr.,  
Sylvia Woods, Reva Woods, Susie Gene Woods and  
Crockett Joseph Woods, &am

Complainants,

vs

Certain lands, T. H. Walton, et al,

Respondents.

IN THE CIRCUIT COURT OF

SHEBBY COUNTY, ABABAMA

IN EQUITY. CASE NO. 4751

This cause coming on to be heard on this the 19th day of May, 1971, is submitted for final decree upon complainant's verified Bill of Complaint as amended, upon the decree pro confesso rendered herein, upon the testimony taken in open court orally and recorded by the Court Reporter, Martha Embry, the same being before the Court by order of the Court, the demurrers and pleadings of respondent T. H. Walton, 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 complainants at the time of the filing of said bill of complaint as amended in this cause, claim in their own right a fee simple title to and were 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:

Beginning at the southeast corner of fractional Section 20, Township 22 South, Range 2 West, Shelby County, Alabama, and from said point run thence north along the section line a distance of 985 feet to a point; run thence north 69 deg. 09 min. east 102.88 feet to a point; thence run north and parallel to the west right-of-way of 18th Street a distance of 429 feet to the point of beginning of the lot herein described: From said point as P.O.B. continue north and parallel to said 18th Street a distance of 745 feet to a point; run thence west and at right angles to said 18th Street a distance of 448 feet to a point; run thence south and parallel to said 18th Street a distance of 745 feet to a point; run thence east and at right angles to said 18th Street a distance of 448 feet back to the P.O.B.; lying and being in the SE $\frac{1}{4}$  of Section 20, Township 22 South, Range 2 West and the SW $\frac{1}{4}$  of Section 21, Township 22 South, Range 2 West, containing 7 acres, more or less, and being 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 their title to, interest in, or the right to the possession of said lands.

Third. That 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 Code 1940, Title 7, Section 1117 as recompiled.

Fourth. That respondents Clay L. Lanningham, Hattie Lanningham, Cledy Rodgers, Flora Northcutt, Amy S. Blewster and Veryl O. Samons, whose addresses were known were served according to law, but said respondents failed to answer, plead to or demur as required by law and decrees pro confesso were taken against them; that Linda Samons and Barbara Samons, minors were served, along with their custodian, being their mother Icie Mae Samons, as required by law, and a guardian ad litem appeared in open court to represent them in this proceeding, the same being Attorney Frank Head. It further appears to the court that complainants exercised due diligence in trying to locate the other respondents named in the Bill of Complaint, being the following persons if living or if deceased, their unknown heirs at law or devisees, namely: W. F. Pilgreen, Mattie Pilgreen, C. A. Crowson, Fannie Seale Ballard, Tinie Comer, W. A. Crim, Mamie Crim, Mary Jordon, William A. Crowson, Flora M. Askins Crowson, George H. Seale, William Brasher, Lula May Brasher, Betty Nabors and Adaline Alexander, and any other parties unknown to complainants who claim an interest in or to the above described property. Said guardian ad litem appeared in open court to represent said parties in this proceeding, the same being Frank Head. That respondent T. H. Walton contested the suit and filed certain answers and instruments and the same was set for trial and heard on the 19<sup>th</sup> day of May, 1971, and the said T. H. Walton appeared in open court and handled his own defense in this cause of action.

Fifth. That notice of the pendency of the said bill of complaint as amended, was drawn and signed by the Register of this Court and said Register did have said 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, and is authorized by law to receive and publish legal advertisements, where the land described in the bill of complaint as amended lies as prescribed by law and the rules of this court or by an order made in this cause.







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Sixth. That a copy of said notice certified by the Register of this Court as being correct was recorded as a lis pendens in the office of the Judge of Probate of said County, said notice being in strict accord and compliance with Code of 1940 as Recompiled, Title 7, Section 1121 and recorded in compliance with Code of Alabama 1940, as Recompiled, Title 7, Section 1120, bein

Seventh. That <sup>copy 5/19/71</sup> 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 Judge of Probate of said county where said lands lie.

Eighth. That no person has intervened in this cause, except for T. H. Walton, who was a respondent named in said cause, and who defended said cause.

Ninth. It appears to the court that the Tax Deed into T.H. Walton dated August 3, 1955, recorded in Deed Book 181 page 312 in the Probate Office of Shelby County, Alabama, was void due to the fact that for the year 1950 said land was assessed and taxes paid by the owner of record of said land; that the said Tax Sale in the name Russell R. Hetz was void, as Russell R. Hetz had theretofore sold said property and the present owners were assessing and did assess and pay taxes for said year 1950. That the said T. H. Walton introduced no legal deed from J. O. and Mary E. Anderson, since the parties who had conveyed the land to J. O. anderson had prior thereto conveyed a bona fide interest in and to said land to other parties.

Tenth. It further appears to the court that the land described in paragraph First of this order adjoins and lies adjacent to the west line of Lots 15 and 16 Block "Q", west line of Block "R" and a portion of the west line of Block "S", all according to Resurvey of Russel R. Hetz Property as recorded in Map Book 3 on page 119 in the Probate Office of Shelby County, Alabama, and adjoins and lies adjacent to the west line of Blocks 15 and 16 according to J. H. Dunstan's map of the town of Calera, Alabama, the said west line of Lots 15 and 16 Block "Q", west line of Block "R" and a portion of the west line of Block "S" <sup>according to Russel R. Hetz Property map</sup> is one and the same line as the west line of Block 15 and 16 according to J. H. Dunstan's map.

Eleventh. After hearing oral testimony in open court recorded by the Court Reporter, Martha Embry, and upon reviewing the bill of complaint as amended and all other pleadings filed in this cause, it has been determined by the court that all the allegations

of fact contained in complainants' bill of complaint as amended are true. It is, therefore,

ORDERED, ADJUDGED AND DECREED BY THE COURT,

(1) that complainants are entitled to the relief prayed for in the bill of complaint as amended, and that the fee simple title claimed by complainants in the above described lands has been duly proven.

(2) That the complainants are the owners of said lands, and have a fee simple title thereto, free of all liens and encumbrances and that their 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 T. H. Walton has no right, title or interest in and to said land and it is further ordered, adjudged and decreed by the court that the said T. H. Walton be and he is hereby ordered to delete from his assessment the following:

Blocks 12 and 16, according to J. H. Dunstan's map of the town of Calera, Alabama, and any other property by a different description which he might assess and which would encroach on the land described in paragraph first above, situated in Shelby County, Alabama.

Should the said T. H. Walton fail to delete the same from his assessments within ten days after October 1, 1971, I hereby order and direct the Tax Assessor of Shelby County, Alabama, to delete the same from the assessment of the said T. H. Walton. A copy of this decree is ordered to be sent to said Tax Assessor authorizing him to make said correction on the books of Tax Assessments in Shelby County, Alabama.

Done this the 22<sup>nd</sup> day of June, 1971.

*James H. Sharbatt*

Judge



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STATE OF ALABAMA  
SHELBY COUNTY  
JUN 28 AM 9:56  
RECEIVED  
JUDGE OF PROBATE  
JAMES H. SHARBATT  
JUN 28 AM 9:56  
RECEIVED  
JUDGE OF PROBATE  
JAMES H. SHARBATT

FILED IN OFFICE, This the 28 day  
of June 1971

*Kyle Rinsford*  
Register Circuit Court of  
Shelby County, Alabama