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LAVADA W. STONE, HELEN HARRILL,
BETTY JANE FLETCHER, CLARENCE STONE, JR.,
BRENDA JOYCE CRUMLEY and CHARLES Eugene
STONE, a minor who sues by his mother, Lavada
W. Stone, as best friend,

Complainants,

vs

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

Respondents.

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA, IN
EQUITY. CASE NO.) 4752

This cause coming on to be heard on this the 7th day of May, 1971,
is submitted for final decree upon complainants' verified bill of complaint as
amended, upon the decree pro confessor 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:

Begin at the southeast corner of Section 20, Township 22 South, Range 2
West, Shelby County, Alabama, and run north on and along the section
line a distance of 755.27 feet to a point where the section line inter-
sects the north right-of-way line of the Southern Railroad and the
point of beginning; from said point run southwesterly on and along said
north R.O.W. line of Southern Railroad a distance of 75.48 feet to a point;
thence run northwesterly and at right angles to the said north R.O.W.
line of Southern Railroad a distance of 210 feet to a point; thence run
northeasterly and parallel to said north R.O.W. line of Southern Railroad
a distance of 283.70 feet to a point; thence run south and parallel to the
section line a distance of 229.73 feet to a point on the north R.O.W.
line of Southern Railroad; thence run southwesterly on and along said north
R.O.W. line of Southern Railroad a distance of 113.83 feet back to the
point of beginning, lying and being in the SW¹/₄ of Section 20, Township 22
South, Range 2 West, and in the SW¹/₄ of Section 21, Township 22 South,
Range 2 West, Shelby County, Alabama, EXCEPT therefrom, any portion
of Lots 15, 16 and 17, Block "C" according to Hetz's Survey; 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.

Fourth. That respondents Cleady Rodgers, Flora Northcutt, Amy Blewster, Veryl O. Samons, Kate Seale Davis, Joyce Seale, Fannie Seale Ballard, Nina Seale Aldridge, Nettie Tomblin Gullahorn, Sam Tomlin, Jr., Mrs. Tommie T. Martin, Doris T. Massengale, Judson Tomlin, Betty T. Roy, and Hugh Tomlin, whose addresses were known were served according to law, but said respondents failed to answer, plead to or demur as required by law and decree pro confessoros 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 proceedings, the same being Attorney Frank Head. That respondent Apex Corporation accepted service of a copy of the bill of complaint as amended and waived any further notice as to the taking of testimony. 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 T. O. Keener, if living and if deceased, his heirs or devisees; Southern Lime Corporation, a dissolved corporation and the unknown stockholders of Southern Lime Corporation, if living or if deceased, their heirs or devisees, and any other parties unknown to complainants 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 Attorney Frank Head. That Respondent T. H. Dalton contested the suit and filed certain answers and instruments and the same was set for trial and heard on this 7th day of May, 1971, and the said T. H. Dalton 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 the County of Shelby and State of 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.

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 1940, Title 7, Section 1121 and recorded in compliance with Code 1940, Title 7, Section 1120, being the Code of Alabama as Recompiled.

Seventh. That ^{only true date} 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. J. and Mary E. Anderson, since the parties who had conveyed the land to J. J. 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 ^{a portion of} Block 12 according ^{to} J. H. Dunstan's map of the town of Calera, Alabama, and adjoins and is adjacent to Lots 15, 16, and 17, Block "S" of Resurvey of Russel R. Hetz Property" as recorded in Map Book 3 on page 119 in the Probate Office of Shelby County, Alabama, the said west line of ^{a portion of} Block 12 according to J. H. Dunstan's map being one and the same as the west line of said Lots 15, 16 and 17, Block "S" of Resurvey of Russell R. Hetz Property.

Eleventh. It further appears to the court that the purported deed from Zilphia Stone to Richard Lee Leslie dated August 20, 1947, recorded in Deed Book 128 page 325 in the Probate Office of Shelby County, Alabama, was void in that the same covered the homestead of



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06/28/1971 12:00:00 AM FILED/CERT

the maker and the husband of Zilphia Stone, being A. J. Stone who was living at said time and living with the grantor at said time did not join in the execution of said deed. It further appears to the court that the persons signing the joint survivorship deed to Clarence Lee Stone and Lavada W. Stone on March 21, 1966, which is recorded in Deed Book 241 page 455 in the Probate Office of Shelby County, Alabama, were the sole and surviving heirs at law of A. J. Stone and Zilphia Stone and had the right to convey said land; that the said Clarence Lee Stone has since died and the said Lavada W. Stone became the owner of said property in fee simple under said survivorship deed.

Twelfth. 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 complainant Lavada W. Stone in the above described lands has been duly proven.

(2) That the complainant Lavada W. Stone is the owner of said lands, and has a fee simple title thereto, free of all liens and encumbrances, and that her 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:

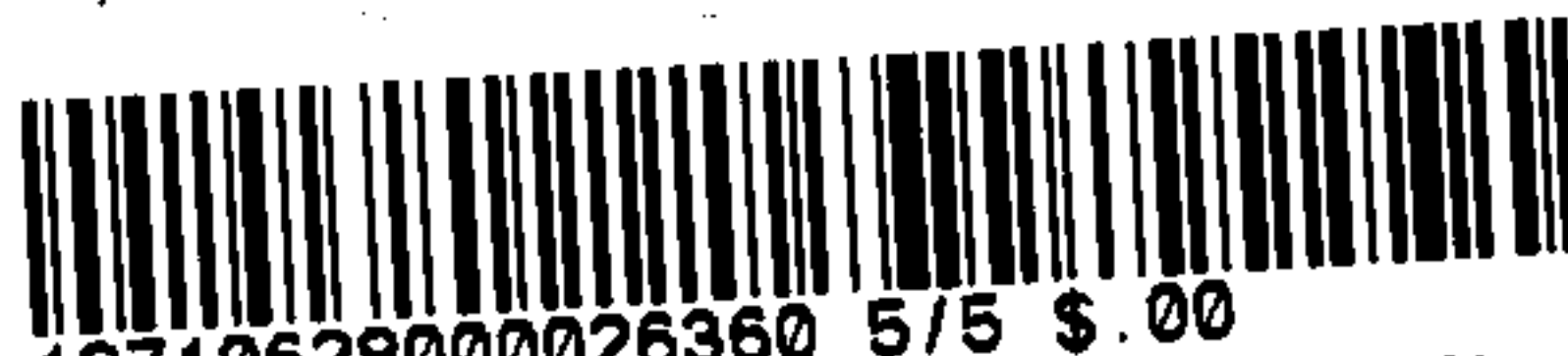
Lots 1 through 5, both inclusive, Block 12 according to J. H. Dunstan's map of the town of Calera, Alabama, and any other property by a different description which he might assess and which would encroach on the land described in paragraph first above, situated in Shelby County, Alabama.

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

Done this the 22nd day of June, 1971

James H. Sharbutt

JUDGE



STAFF OF A. SHULTZ CO.
T. C. RILEY THIS
INSTRUMENT WAS FILED
1971 JUN 28 AM 9:56
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Carol M. Davis
JUDG. OF PROBATE

FILED IN OFFICE, This the 28 day
of June 1971
W. H. Jones
Register Circuit Court of
Shelby County, Alabama
W. H. Jones

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