

4986
HORACE CHANEY, MILDRED STANFIELD,
VERNON MOORE, AND HORACE CHANEY,
AS EXECUTOR OF THE LAST WILL AND
TESTAMENT OF ELSIE DAVIS JONES,
DECEASED,

COMPLAINANTS

VS.

ANEITA AUGHENBAUGH,

RESPONDENT

IN THE LAW AND EQUITY COURT
OF SHELBY COUNTY, ALABAMA
EQUITY CASE NO. 1044

FINAL DECREE

This cause coming on for Final Decree upon the Complainants's Bill of Complaint, as amended, the Respondent's Answer of Respondent to the Bill of Complaint, as amended, upon the testimony of witnesses taken ore tenus in open Court, and upon the other pleadings and proof, as noted by the Register, and the Court, having considered and understood the same, finds that the deed from Elsie Jones, a widow, as grantor, to Aneita Aughenbaugh, as grantee, dated April, 1967, and recorded in Deed Book 247 at page 925, Office of Judge of Probate of Shelby County, Alabama, was not voluntarily executed by said Elsie Jones, and was not executed and delivered by said Elsie Jones of her own free agency, but rather was procured by the exercise of undue influence of said Aneita Aughenbaugh upon said Elsie Jones, and further, that said deed was not witnessed or acknowledged as provided and required by law; and the Court being of the opinion that the Complainants should have the relief prayed for in their Bill of Complaint, as amended, it is, therefore, considered, ordered, adjudged, and decreed by the Court as follows:

1. That said deed from Elsie Jones, a widow, as grantor, to Aneita Aughenbaugh, as grantee, dated April, 1967, and recorded in Deed Book 247 at page 925, Office of Judge of Probate of Shelby County, Alabama, be, and the same is hereby, declared to be null and void, and the same is hereby cancelled

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Shelby Cnty Judge of Probate, AL
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as a conveyance, and finally set aside.

2. That said Aneita Aughenbaugh holds no title to, and owns no interest whatsoever in, the following described property, viz.:

2 acres, more or less. Begin at the NE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 30, Township 18, Range 1 West and run South along the East boundary line of said forty acres to Farley Store road; thence West to Gillem (sold to Flo Goodman) property, divided by road right of way to be left for Public Service use; thence North to boundary line of said forty acres bound on North by Theo Swann property; thence East to point of beginning and boundary line of said above described forty acres. Title to all mineral rights shall remain in Fred Gillem's name. Notation: the above roadway shall be left 20 feet wide, extending from fence east, situated in Shelby County, Alabama.

All that part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, Township 18 South, Range 1 West, that lies North and West of the Columbiana road, also sometimes called the Farley Road.

3. That a certified copy of this Decree be recorded by the Register of this Court in the Office of the Judge of Probate of Shelby County, Alabama, the same to be indexed in the names of Elsie Davis Jones and Aneita Aughenbaugh on both the direct and indirect indexes.

4. That costs of court in this cause accrued be, and the same are hereby, taxed against the Respondent, Aneita Aughenbaugh, for which let execution issue.

DONE AND ORDERED this 15th day of January, 1971

S/ Harold E. Walden

Judge

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Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA
SHELBY COUNTY

I, Kyle Mansford, Register of the Circuit 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 and rendered by the Court in the above styled cause on the 15th day of January, 1971, which said original decree is on file and enrolled in my office.

Witness my hand and seal, this 25th day of January, 1971.

Kyle Mansford
Register

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
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