

CLARICE WHITE LUCK and
RUTH LUCK GORDON,

PLAINTIFFS,

VS.

The following described land:
THE SE¼ OF THE SE¼ OF SECTION 12,
TOWNSHIP 20 SOUTH, RANGE 3 WEST,
SHELBY COUNTY, ALABAMA; and the
following named entities and
persons: R. L. HILL and his heirs
or devisees, if deceased; BROWN
LANDONE and his heirs and devisees,
if deceased; LANDONE VILLA LANDS,
a corporation, or a dissolved
corporation, and the unknown stock-
holders of Landone Villa Lands;
SALES EXCHANGE CORPORATION, a
corporation, or a dissolved
corporation, and the unknown stock-
holders of Sales Exchange Corporation;
and all such persons and the heirs or
devisees of such persons, if deceased,
and all such associations,
partnerships, corporations or other
entities who unknown to the Plaintiffs
claim or are reputed to claim any
title to or interest in, or lien or
encumbrances upon, the land made the
subject matter of this action or any
part thereof,

DEFENDANTS.

IN THE CIRCUIT COURT

FOR

SHELBY COUNTY, ALABAMA.

CIVIL ACTION NO. E-189-74



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Shelby Cnty Judge of Probate, AL
04/24/1974 12:00:00 AM FILED/CERT

FINAL DECREE

This cause coming on to be heard by the Court upon application by the Plaintiffs for final judgment, following entry of default by the Register against each Defendant, the cause was submitted for final decree upon the Plaintiffs' verified Complaint, the Answer of the Guardian ad Litem, the testimony under oath of Tom Lee, Harris M. Gordon, Wade H. Morton, Jr., heard in open Court in the presence of the Guardian ad Litem on April 18, 1974 and the testimony of Thomas A. Snowden and Fay F. Quick heard in open Court in the presence of the Guardian ad Litem on April 19, 1974, and the pleadings and proof as shown by file in said cause, the Court, considering only such proof and testimony as is relevant, material, competent and legal, finds the facts, states its conclusions, and renders its decree as follows:

FINDINGS OF FACT

1. The Plaintiffs, CLARICE WHITE LUCK and RUTH LUCK GORDON, at the time of filing their verified Complaint in this cause, claimed in their own right to own an absolute fee simple title to, and were in actual, peaceable possession of, the lands described in the Complaint as follows:

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 20 South,
Range 3 West, Shelby County, Alabama.

2. At the time of filing of said Complaint, no suit was pending to test the Plaintiffs' title to, interest in, or right to possession of said lands.

3. Said Complaint was and is duly verified, and was filed against said land and against any and all persons, associations or corporations, claiming or reputed to claim any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right and title to said lands, and to clear up all doubts and disputes concerning the same, and said Complaint did in all respects comply with the provisions of the law.

4. The Plaintiffs do not know the present address and whereabouts of Defendants, R. L. HILL and BROWN LANDONE, and Plaintiffs do not know whether the said persons are alive. The Plaintiffs have exercised reasonable diligence in trying to determine the present address and whereabouts of the said R. L. HILL and BROWN LANDONE, and whether the said persons are alive, and, if deceased, the names, ages and addresses of their respective heirs or devisees, and have been unable to do so.

5. The Plaintiffs do not know the address of LANDONE VILLA LANDS, a corporation, or SALES EXCHANGE CORPORATION, a corporation, and it is not known whether said corporations are still in operation or if dissolved or discontinued, and the names, addresses and ages of the stockholders of said corporations at the time of liquidation or dissolution of said corporations, as the case might have been. Plaintiffs have exercised reasonable diligence trying to determine such matters and have been unable to do so.

6. The Plaintiffs, after exercising reasonable diligence, have been unable to ascertain and do not know the names, ages or whereabouts, or mental capacities, of any parties Defendant to this cause as set out hereinabove in Paragraphs 4 and 5, or whether any such parties are living or dead.

7. That the identity or whereabouts of the unknown persons made parties Defendant to this action, their ages and addresses or whether living or dead, are unknown to Plaintiffs and that they exercised diligence to ascertain the facts with regard thereto.



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8. The Plaintiffs and those through whom they claim have held color of title to and have been in the actual and peaceable possession of said lands for ten years immediately preceding the filing of the Complaint in this cause, and no other person, association or corporation has had any possession of said lands or any part thereof during such period.

9. The Plaintiffs and those through whom they claim have assessed said lands for ad valorem taxes for each of the ten years next preceding the filing of the Complaint in this cause, and have paid taxes becoming due thereon during each of such years, and no other person, association or corporation has assessed said lands or any part thereof or any interest therein or paid any taxes thereon during such years.

10. Notice of Pendency of the Complaint filed in this cause was drawn and signed by the Register of this Court, and said Register had such Notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper published and having general circulation in Shelby County, Alabama, as prescribed by law.

11. A copy of said Notice, certified by the Register as being correct, was recorded as a lis pendens in the Lis Pendens Record Book in the Office of the Judge of Probate of Shelby County, Alabama.

12. More than sixty days have elapsed since the first publication of said Notice and the filing of a certified copy of said Notice in the Office of the Judge of Probate of Shelby County, Alabama.

13. No person, association, or corporation has intervened in this cause.

14. The Guardian ad Litem heretofore appointed to represent all the Defendants in this cause who are under the age of twenty-one years, incompetent, unknown or in the military service of the United States of America, accepted his appointment as Guardian ad Litem and filed an answer denying the averments of the Complaint and demanding strict proof thereof, and said Guardian ad Litem was present at the taking of the necessary testimony and proof in open Court in this cause and fully and adequately represented the interests of all minors, incompetents, unknown parties and parties in the military service of the United States of America, and no other Defendant to this cause filed a pleading or answer to the Complaint within the time allowed by law, and a default was entered against such parties by the Register.

15. Each of the averments of fact in the Complaint is true.

CONCLUSIONS OF LAW

1. This cause was properly brought as an in rem action against said lands.

2. This cause was also properly brought against R. L. HILL and his heirs or devisees, if deceased; BROWN LANDONE and his heirs and devisees, if deceased; LANDONE VILLA LANDS, a corporation, or a dissolved corporation, and the unknown stockholders of Landone Villa Lands; SALES EXCHANGE CORPORATION, a corporation, or a dissolved corporation, and the unknown stockholders of Sales Exchange Corporation; and all such persons and the heirs or devisees of such persons, if deceased; and all such associations, partnerships, corporations or other entities who unknown to the Plaintiffs claim or are reputed to claim any title to or interest in, or lien or encumbrance upon, the land made the subject matter of this action or any part thereof.

3. All persons, associations or corporations who claim or are reputed to claim any title to, interest in or lien or encumbrance on said land or any part thereof are properly before this Court and their claim of title to, interest in, or lien or encumbrance on said lands or any part thereof will be finally and conclusively determined by this decree.

DECREE

IT IS, THEREFORE, upon consideration of this Court, ORDERED, CONSIDERED, ADJUDGED AND DECREED by this Court and it is the Order, Judgment and Decree of this Court as follows:

1. The Plaintiffs are entitled to the relief prayed for in their Complaint, and the fee simple title claimed by Plaintiffs in said lands has been duly proven.

2. The Plaintiffs are the owners of said lands and have an absolute fee simple title thereto, free of all liens or encumbrances, except the lien for nondelinquent ad valorem taxes and easement for public road created by instrument recorded in Deed Book 205, at Page 84, in the Office of the Judge of Probate of Shelby County, Alabama, and except the condemnation proceedings by Alabama Power Company of a 100 foot easement,

as shown in Probate Minutes Book 28, at Page 716, in said Probate Records, and their said title thereto be and the same is hereby established, and all doubts and disputes concerning the same are hereby cleared up.

3. None of the Defendants in this cause have any right, title, interest, lien or encumbrance on said land or any part thereof.

4. A certified copy of this Decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and be indexed on the direct index in the names of CLARICE WHITE LUCK and RUTH LUCK GORDON and in the name of Certain Land and BROWN LANDONE on the indirect index of record thereof.

5. The Guardian ad Litem in this cause is awarded the amount of \$50.00 as payment for his services as such Guardian ad Litem, the same to be taxed as a part of the costs herein.

6. The Plaintiffs shall pay the costs of this proceedings, for which let execution issue.

DONE this 19th day of April, 1974.



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Shelby Cnty Judge of Probate, AL
04/24/1974 12:00:00 AM FILED/CERT

James W. Shadwell
Circuit Judge of Shelby County, Alabama

REC. BK. & INDEX
U.C. & P. & S. SHOWN ABOVE
1974 APR 24 AM 8:14
INSTRUMENT WAS FILED
STATE OF ALABAMA, SHELBY CO.
JUDGE OF PROBATE

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, Kyle Lansford, 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 final decree entered in the above and foregoing suit.

WITNESS MY HAND and Seal of Office this the 19th day of April, 1974.

Kyle Lansford
Register

FILED IN OFFICE, This the 23rd day
of April 1974

Kyle Lansford

Register Circuit Court of
Shelby County, Alabama