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Shelby Cnty Judge of Probate, AL
08/30/1974 12:00:00AM FILED/CERT

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MARY COOPER, ODELL WEBBER,
KENNETH McWILLIAMS and
NATHY McWILLIAMS KALIFEH,

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

Complainants,

IN EQUITY

vs.

CASE NO. 5563

Certain Land: Robert McWilliams,
et al,

Respondents.

DECREE

29th

This cause coming on to be heard on this the 29th day of August, 1974,
is submitted for final decree upon complainants' verified bill of complaint, upon
the default judgment rendered herein and upon the testimony of Kenneth E.
McWilliams and Earl C. Harrison, taken orally before the Court on the 23rd day of
August, 1974, by order of the Court and/reduced to writing, 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, Mary Cooper, Odelle Webber, Kenneth
McWilliams and Nathy McWilliams Kalifeh, at the time of the filing of their complaint
in this cause, claimed 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:

Six acres (forming a square) situated in the Southwest corner of
the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 27, Township 21 South, Range 1 West.

Also, a lot situated in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, Township
21, Range 1 West being more particularly described as follows:
Commenced at the Northwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section and run South
along the West line thereof 35 yards; thence East and parallel
with the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 140 yards; thence North
and parallel with the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 35 yards; thence
West along the North line of said $\frac{1}{4}$ - $\frac{1}{4}$ section 140 yards to the point
of beginning.

Second: That at the time of the filing of said complaint, no suit was
pending to test their title to, interest in or the right to the possession of said
lands.

Third: That their said complaint was and is duly verified, and was filed
against Robert McWilliams, or if deceased, his unknown heirs or devisees, if any,
and all parties who, unknown to complainants claim an interest in or to the above
described property, or who may have claimed some title to, interest in, lien or
encumbrance on said land or a 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 complaint did in all respects comply with the provisions of the 1940 Code of
Alabama as amended.

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Fourth: That the whereabouts, unknown persons, their ages and addresses or whether living or dead who were made respondents were unknown to complainants and that they exercised diligence to ascertain the facts with regard thereto.

Fifth: That notice of the pendency of said complaint was drawn and signed by the Register of this court and said Register did have such 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, as prescribed by rule of this Court or by an order made in this cause.

Sixth: That a copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the office of the Probate Judge of said county, said notice being in strict accord and compliance with the 1940 Code of Alabama, as Recompiled.

Seventh: That 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 Probate Judge of said county.

Eighth: That no person has intervened in this cause.

Ninth: That all of the allegations of fact contained in complainants' complaint are true. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court (1) that complainants are entitled to the relief prayed for in their complaint, and that the fee simple title claimed by complainants in the above described lands has been duly proven.

(2) That the respondent to said complaint does not have any right, title, interest or claim in and to the above described property.

(3) The Court further decrees that since the respondent, Robert McWilliams, has been gone for approximately 17 years (since December 25, 1957) without any explanation whatsoever, and no person having heard of his whereabouts, the Court therefore decrees that he is legally dead, and died intestate and the parties to this cause are the sole owners of said real property.

(4) That the complainants are the owners of said lands as described above 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.

(5) That a certified copy of this decree be recorded in the office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the name of Mary Cooper, et al vs. Robert McWilliams, et al, on both the direct index and the indirect index of the record thereof.

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(3) That complainants pay the costs of these proceedings, for which
let execution issue.

Done this the 29TH day of August, 1974.

Judge James H. Sherbitt
Judge

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
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REC. NO. & PAGE AS SHOWN ABOVE
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JUDICIAL DEPARTMENT

FILED IN OFFICE, This the 29th day
of August 1974
Kyle Lansford
Register Circuit Court of
Shelby County, Alabama

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