

ALCIE MAE SHORTER,

Plaintiff,

vs.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. E-328-74

Certain land and James A. Johnson, et als,

Defendants.

This cause coming on to be heard on this the 30th day of October, 1974, is submitted for final decree upon plaintiff's verified complaint, upon the default judgment rendered herein and upon the testimony of Alcie Mae Shorter, Cecil Hodgins and H. L. Conwill, taken orally before the Court on the 11th day of October, 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 plaintiff, Alcie Mae Shorter, at the time of the filing of her complaint in this cause, claimed in her own right a fee simple title to and was 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:

The NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, Township 18, Range 2 East, Shelby County, Alabama.

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

Third: That her said complaint was and is duly verified, and was filed against James A. Johnson, Robert D. Johnson, W. C. Rich, Nora M. Merritt, or if deceased, her heirs or devisees, Emel Tersheshee, or if deceased, her heirs or devisees, First National Bank of Birmingham as Successor Trustee of the North Birmingham American Bank, based upon a Trust instrument dated March 26, 1931, as Trustee over property owned or controlled by North Birmingham Trust and Savings Bank and Security Trust and Savings Bank, and all parties who, unknown to plaintiff 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 Recompiled.

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



1974103000052870 1/2 \$.00
Shelby Cnty Judge of Probate, AL
10/30/1974 01:00:00 AM FILED/CERT

BOOK 289 PAGE 391

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 plaintiff's complaint are true. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court (1) that plaintiff is entitled to the relief prayed for in her Complaint, and that the fee simple title claimed by plaintiff in the above described lands has been duly proven.

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

(3) That the plaintiff is the owner of said lands as described above as a fee simple title thereto, free of all liens and encumbrances, and that her said thereto be and is hereby established, and that all doubts and disputes concerning same be and are hereby cleared up.

(4) 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 Alcie Mae Shorter vs. James A. Johnson, et als, on both the direct index and the indirect index of the record thereof.

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

Done this the 30th day of October, 1974.

FILED IN OFFICE, This the 30th day
of Oct 1974

Kyle Lansford

Register Circuit Court of
Shelby County, Alabama

James H. Sharbitt
Judge



19741030000052870 2/2 \$.00
Shelby Cnty Judge of Probate, AL
10/30/1974 01:00:00 AM FILED/CERT

BOOK 289 PAGE 392

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1974 OCT 30 PM 9:23
U.C.C. FILE NUMBER OF ABOVE
REC. BK. & PAGE AS SHOWN ABOVE
Conservation Division
JUDGE OF PROBATE