

HUBERT E. HOPE,
Plaintiff,

vs.

Certain land and Odelle Webber, et als,
Defendants.

2500

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CASE NO. E-518-74

DECREE

This cause coming on to be heard on this the 6th day of February, 1975, is submitted for final decree upon plaintiff's verified complaint, upon the default judgment rendered herein and upon the testimony of Elmer Carden, Hubert E. Hope and Martha B. Joiner, taken orally before the Court on the 6th day of February, 1975, 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, Hubert E. Hope, at the time of the filing of his complaint in this cause, claimed in his 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:

All that part of the NW $\frac{1}{4}$ of SW $\frac{1}{2}$ of Section 23, Township 21 South, Range 1 West, that lies West of a branch, which said branch runs in a Northwesterly and Southeasterly direction.

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

Third: That his said complaint was and is duly verified, and was filed against Odelle Webber, Kenneth E. McWilliams, Kathy McWilliams Kalifeh; Iron City Steam Bottling Works, a corporation, or a dissolved corporation, and the unknown stockholders of Iron City Steam Bottling Works; and the following named persons, or, if deceased, their heirs or devisees; Levi Armstrong, Wiley B. Cromwell, Missouri P. Hayett, John T. Cromwell, Mary P. Cromwell, Georgia V. Frazier, William Frazier, J. O. Cromwell, J. P. Harrison, Corine Harrison, W. F. Sterne, Francis Sterne, David A. Cromwell, Alice Cromwell, Merit Cromwell, Isaac Cromwell, Josie Cromwell, Jasper Cromwell, Virgil Cromwell, Wallace Cromwell, Henry Cromwell, James H. Scott, J. R. Cromwell, Russell F. Johnson, Jim Scott, Lonnie McNeal, Ruby McCall, Ed McCall and R. C. Nixon, 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



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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.

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 his 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, interest or claim in and to the above described property.

(3) That the plaintiff is the owner of said lands as described above and has a fee simple title thereto, free of all liens and encumbrances, and that his said title thereto be and is hereby established, and that all doubts and disputes concerning the 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 Hubert E. Hope vs. Odelle Webber, et al, on both the direct index and the indirect index of the record thereof.



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

Done this the 14th day of February, 1975.

James H. Sharbutt
Judge

FILED IN OFFICE, This the 14th day
of February 1975

Kyle Lansford

Register Circuit Court of
Shelby County, Alabama

Certified a true and complete copy

Kyle Lansford
Register of Circuit Court

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1975 FEB 17 AM 9:37

U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE

Conrad M. Johnson

JUDGE OF PROBATE

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