

4969  
LILLIAN MAXWELL,

Plaintiff,

vs.

Certain land and Maggie Evans Zeigler,  
et als,

Defendants.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. E-390-74



19750603000026590 1/3 \$.00  
Shelby Cnty Judge of Probate, AL  
06/03/1975 12:00:00AM FILED/CERT

DECREE

This cause coming on to be heard on this the 3rd day of June, 1975, is submitted for final decree upon plaintiff's verified complaint, upon the default judgments rendered herein and upon the testimony of Lillian Maxwell taken orally before the Court on the 6th day of May, 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, Lillian Maxwell, 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:

A tract of land in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 23, Township 21, Range 1 West; Commence at the point of intersection of the North line of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said section with the West right-of-way line of the Southern Railroad for the point of beginning; thence run West along with North line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section a distance of 195 feet, more or less, to a point on the West right-of-way line of Shelby County Highway No. 47; thence continue West along said North line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section a distance of 771.29 feet to a point; thence turn an angle to the left of 129 deg. 05 min. and run in a Southeasterly direction along an old fence line a distance of 742.87 feet to a point on the West right-of-way line of Southern Railroad; thence run in a Northeasterly direction a distance of 770 feet, more or less to the point of beginning.

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 Maggie Evans Zeigler, and the following named persons, or if deceased, their heirs or devisees: Caroline Harkins, Millie Harkins, John Harkins, Ples Harkins, Daniel Harkins and Pinenna Harkins, and all parties who, unknown to plaintiff claim an interest in or to the above described property: that said complaint was amended to add the following parties as defendants: Pineana Hawkins and/or Pinena Hawkins and the following named persons, or if deceased, their heirs or devisees: Daniel Hawkins, Caroline Hawkins, John Hawkins, Pleasant Hawkins, Earl Hawkins, Georgia



Hawkins, Charlie Hawkins, Dora Hawkins, Ruthie Hawkins, Lisa Hawkins, Walder Hawkins, Lessie Hawkins, Walter Hawkins, Johnnie Hawkins, Bettie Hawkins, Eddie Hawkins, Lillian Evans Maxwell, Millie Ann Evans, Jodie Tatum, Ruby Lacey, Annie Lizzie Mae Swarn, Lillie Mae Adams, Eddie Adams, Jim Adams, Walder Adams, Roy Adams, Arthur Adams, Millie Wilson, Elnora Hawkins, Susie Averys, Lillian Elizabeth Maxwell, Alphonsia Hawkins, Andrus Bowden, Georgia Hawkins, Ella Gibbs, Maggie Gibbs, Caroline Gibbs, Hillard Gibbs, Caroline Hawkins, Sammie Reed, Lizzie Reed, George Lacey, Will Lacey, Marcella Kendrick, William Duncan, Erline Kendrick and Erline Duncan, 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.

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. A second, amended notice, was also published as set out above, covering the defendants named in the amended complaint in this cause.

Sixth: That a copy of said notices, certified by the Register as being correct, were 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<sup>and second</sup> publications of said notice and filing of a certified copy of said notices 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, 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 her 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 Lillian Maxwell vs. Maggie Evans Zeigler, 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 3rd day of June, 1975.

James H. Sharbutt  
Judge



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Shelby Cnty Judge of Probate, AL  
06/03/1975 12:00:00AM FILED/CERT

BOOK 292 PAGE 471

*Carroll M. Johnson*  
JUDGE OF PROBATE

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1975 JUN -3 PM 2:44

FILED IN OFFICE, This the 3rd day

of June 1975

Mark Langford

Register Circuit Court of  
Shelby County, Alabama