

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JAMES W. SORRELL AND DELORES SORRELL,
Plaintiffs

VS.

K & S DEVELOPMENT CORPORATION,
A Corporation,
Defendant

CASE NO. E-5622
6454



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Shelby Cnty Judge of Probate, AL
07/23/1975 12:00:00AM FILED/CERT

D E C R E E

This cause coming on to be heard ore tenus on July 14-15, 1975, and same being submitted for final decree upon Plaintiffs' complaint, as amended, and Defendant's amended answer to Plaintiffs' complaint, as amended, the Defendant's counter-claim and Plaintiffs' answer to said counter-claim; and the Court hearing testimony on July 14, 1975, and July 15, 1975, and taking said cause under advisement:

The Court finds that this case was a Bill of Complaint to quiet title in personam and, therefore, it was necessary for Plaintiffs to allege and prove that they were the owners of and in peaceful possession of the real estate described in their complaint. Such facts were averred but the Court finds insufficient testimony to support said claim.

The Court further finds that the only contention left in behalf of the Plaintiff was Count One on the amended complaint for specific performance and damages and the Court further finds insufficient testimony to support said claims.

The Court further finds that the Defendant's counter-claim is without merit.

The Court further finds that an officer of the Defendant purported to convey certain real estate to the Plaintiffs, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, Deed Book 279, Pages 790, 791.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, By the Court, as follows:

1. That the Plaintiffs' contentions in this cause are without merit and dismissed with prejudice.

2. That the Defendant's contention in its counter-claim in this cause is without merit and dismissed with prejudice.

3. That the certain deed recorded in the Office of the Judge of Probate, Shelby County, Alabama, Deed Book 279, Pages 790-791, is ordered expunged from said deed record book and held for naught wherein an officer of the defendant attempted to convey certain real estate to the Plaintiffs, and a copy of this decree is ordered to be filed in the Office of the Judge of Probate, Shelby County, Alabama, in the proper direct and reverse deed record books.

4. The costs of court in this case are taxed against the Plaintiffs for which execution may issue.

The original decree in this cause, dated the 21st day of July, 1975, is set aside, withdrawn and held for naught and this decree, as amended, is substituted in lieu thereof.

Done and Ordered this 22nd day of July, 1975.

James H. Sharbutt
CIRCUIT JUDGE

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Shelby Cnty Judge of Probate, AL
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Conrad M. Mendenhall
JUDGE OF PROBATE

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1975 JUL 23 PM 2:51

FILED IN OFFICE, This the 22nd day
of July 1975

Kyle Lansford
Register Circuit Court of
Shelby County, Alabama

BOOK 293 PAGE 549