

5040

J. I. McCORMICK, et al,

PLAINTIFF,

VS.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. E-846-75

The NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 1,  
Township 21 South, Range 3 West,  
Except, I-65 Highway right of  
way; The SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 1,  
Township 21 South, Range 3 West,  
Except tract sold to Judge Allen as  
described in Deed Book 89, page 27;  
The SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 1,  
Township 21 South, Range 3 West,  
Except two acres sold to Will and  
Lillie J. Watts as described in  
Deed Book 43, page 64, and also except  
one acre sold to W. M. Clark as described  
in Deed Book 39, page 259, all in the  
Probate Office of Shelby County,  
Alabama; The E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the  
SE $\frac{1}{4}$ , Except I-65 service road right  
of way; The SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of  
Section 1, Township 21 South, Range  
3 West, Except lot sold to Fletcher  
Swayne described as follows: Begin  
at the SW corner of said forty and  
run thence East along the South  
forty line 630 feet; thence North  
210 feet; thence West 630 feet to  
said forty line; thence South 210  
feet to the point of beginning of  
said exception. Also except lot  
sold to Mattie and Davies Harris  
as described in Deed Book 210, page  
569 and except tract sold to Ed and  
Nettie Norris as described in Deed  
Book 205, page 619, and except tract  
sold to Clifford Moore as described  
in Deed Book 216, page 669, and except  
tract sold to James Ross as described  
in Deed Book 250, page 523, also  
excepting right of way of U. S. Highway  
No. 31 and excepting right of way of  
U. S. Highway I-65, and subject to  
easement to Alabama Power Company;  
Henry Jones, his heirs or devisees,  
if deceased; Mary Jones, her heirs  
or devisees, if deceased; C. C. Murrah,  
his heirs or devisees, if deceased;  
L. A. Murrah, her heirs or devisees,  
if deceased; Armstead Griffin, his  
heirs or devisees, if deceased; Israel  
Floyd, his heirs or devisees, if  
deceased; Charley Albritton, his heirs  
or devisees, if deceased; Henry Tolbert;  
Armstead Griffin, Israel Floyd, Charley  
Albritton, and Henry Tolbert, as trustees  
or their successors in office, as  
Trustees of the Primitive Baptist Church  
in America, Primitive Baptist Church,  
an unincorporated association; Ethel  
Swiney, her heirs or devisees, if deceased;  
R. A. Garner, his heirs or devisees, if  
deceased; Frank Jones, his heirs or  
devisees, if deceased; W. R. Turman, his  
heirs or devisees, if deceased; Joshua  
Reese, his heirs or devisees, if deceased;  
John Floyd, his heirs or devisees, if  
deceased; and such persons and the  
heirs or devisees of such persons, if



19760511000042720 1/3 \$.00  
Shelby Cnty Judge of Probate, AL  
05/11/1976 12:00:00AM FILED/CERT

BOOK 208 PAGE 582

deceased, who, unknown to the plaintiffs )  
claim or are reputed to claim any title to )  
or interest in, or lien or encumbrance on )  
said lands or any part thereof, and all )  
claimants, persons, associations, or corp- )  
orations who unknown to the plaintiff claim )  
or are reputed to claim an interest in or )  
to the above described property or any )  
part thereof, )



19760511000042720 2/3 \$.00  
Shelby Cnty Judge of Probate, AL  
05/11/1976 12:00:00AM FILED/CERT

DEFENDANTS )

FINAL DECREE

This cause coming on to be heard upon the verified bill of complaint heretofore filed in said cause, the default judgment rendered herein, the appointment of Guardian ad Litem and Answer of Guardian ad Litem and testimony under oath of the witnesses in said cause, and the pleadings and proof as shown by the file in said cause, the court considering only such proof and testimony as is relevant, materials, competent, and legal, finds that the plaintiff is entitled to the relief prayed for and it is therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That this cause was properly brought as an in rem action against said lands and against the parties to said cause.

2. That the plaintiffs are the owners of said lands described in the complaint and have an absolute fee simple title thereto, free of all liens or encumbrances, except the lien for non-delinquent ad valorem taxes, and plaintiffs' title to said land is hereby established and all doubts and disputes concerning the same are hereby cleared up, said property situated in Shelby County, Alabama, and more particularly described as follows:

The NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West, Except I-65 Highway right of way; the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 1, Township 21 South, Range 3 West, Except tract sold to Judge Allen as described in Deed Book 89, page 27; The SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 1, Township 21 South, Range 3 West, Except two acres sold to Will and Lillie J. Watts as described in Deed Book 43, page 64, and also except one acre sold to W. M. Clark as described in Deed Book 39, page 259, all in the Probate Office of Shelby County, Alabama; The E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Except I-65 service road right of way; The SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 1, Township 21 South, Range 3 West, Except lot sold to Fletcher Swayne described as follows: Begin at the SW corner of said forty and run thence East along the South forty line 630 feet; thence North 210 feet; thence West 630 feet to said forty line; thence South 210 feet to the point of beginning of said exception. Also except lot sold to Mattie and Davies Harris as described in Deed Book 210, page 569, and except tract sold to Ed and Nettie Norris as described in Deed Book 205, page 619, and except tract sold to Clifford Moore as described in Deed Book 216, page 669, and except tract sold to James Ross as described in Deed Book 250, page 523, also excepting right of way of U. S. Highway No. 31 and excepting right of way of U. S. Highway I-65 and subject to easement to Alabama Power Company. Also Less and Except the following: Commence at the SW corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and run in a Northerly direction along the West line of said  $\frac{1}{4}$   $\frac{1}{4}$  for a distance of 454.70 feet to a point; thence turn an angle to the right of 92 deg. 50' 03" and run in an Easterly direction for a distance of 168.92 feet to the point of beginning of the property herein described; from the point of beginning, thence turn an angle to the right of 72 deg. 47' 00" and run in a Southeasterly direction for a distance of 210 feet to a point; thence turn an angle to the left of 90 deg. 00' and run in a Northeasterly direction for a distance of 210 feet; thence turn an angle to the left of 90 deg. 00' and run in a Northwesterly direction for a distance of 210 feet to a point; thence turn an angle to the left of 90 deg. 00' and run in a Southwesterly direction for a distance of 210 feet to the point of beginning, said parcel contains 1.01 acres.

3. That none of the defendants in this cause nor any other person, firm, or corporation, has any right, title or interest, or lien or encumbrance on said land or any part thereof, and all right, title and interest of said defendants and all other persons, firms or corporations is hereby divested out of said defendants and vested into the plaintiffs.

4. A certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and be indexed in the name of J. I. McCormick; Edward Osborn and Harold Jack Hughes, Executors of the Estate of C. O. Osborn, Harold Jack Hughes, Edward Osborn and J. B. Bartlett, Trustees of a Trust including real property described herein which was created by the Last Will and Testament of C. O. Osborn, Deceased, on both the direct and indirect index of record thereof.

5. The guardian ad litem in this cause is awarded the amount of \$50.00 as payment for his services as such guardian ad litem, the same to be taxed as a part of the costs herein.

6. The plaintiffs shall pay the costs of this proceeding, for which let execution issue.

Done this 11<sup>th</sup> day of May, 1976.

19760511000042720 3/3 \$.00  
Shelby Cnty Judge of Probate, AL  
05/11/1976 12:00:00AM FILED/CERT

James H. Sharbrett  
Circuit Judge  
JUDGE OF PROBATE  
STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT WAS FILED  
MAY 11 AM 11:46

BOOK 238 PAGE 304

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, Kyle Lansford, Register of the Circuit Court of Shelby County, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the final decree entered in the above and foregoing suit.

Witness my hand and seal of office this the 11<sup>th</sup> day of May, 1976.

Kyle Lansford  
Register

FILED IN OFFICE, This the 11<sup>th</sup> day  
of May 1976  
Kyle Lansford  
Register Circuit Court of  
Shelby County, Alabama