

7225
LEWIS BAER,

Plaintiff,

vs.

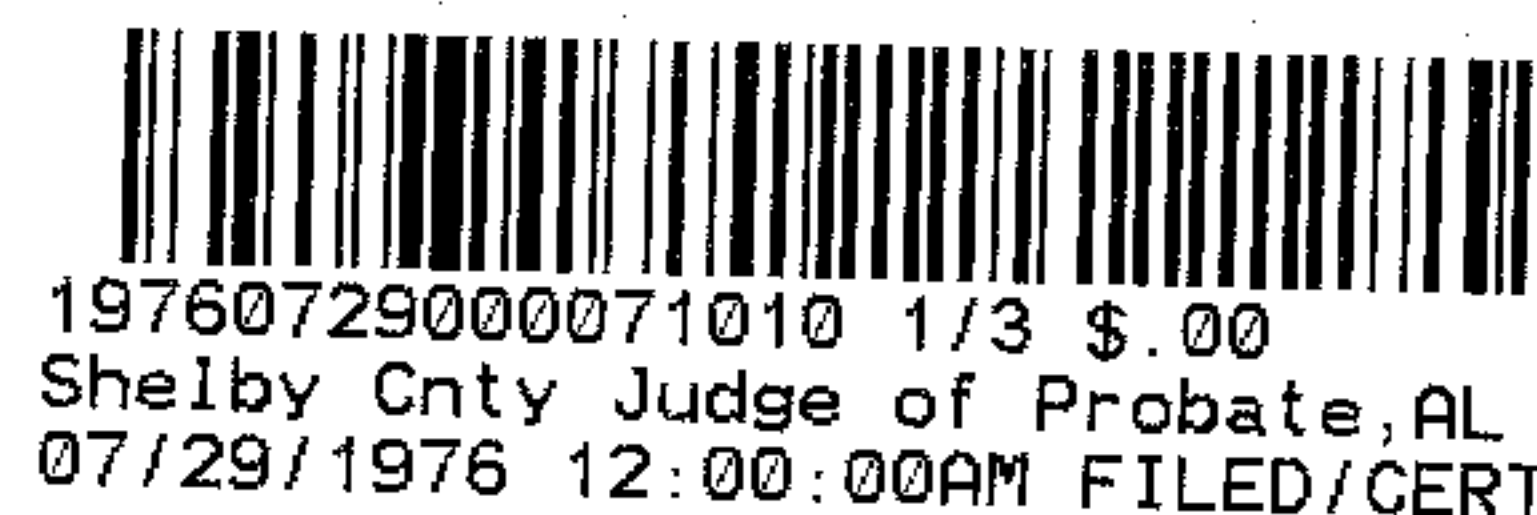
IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. E-992-76

Certain land and Thomas E.
Thurman, et als,

Defendants.



DECREE

This cause coming on to be heard on this the 22nd day of July, 1976, is submitted for final decree upon plaintiff's verified complaint, upon the default judgment rendered herein and upon the testimony of L. L. Cosby and Lewis Baer, taken orally before the Court on the 22nd day of July, 1976 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, Lewis Baer, 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:

Begin at the intersection of the South line of 20th Street, sometime heretofore known as Smith Street and the east line of 16th Street, sometimes heretofore known as Calera Street, according to Dunstan's Survey and Map of Calera, Alabama, and run South along the East line of 16th Street 295.6 feet to the point of beginning of the lot herein described; thence continue south along said Street 150 feet to the Northwest corner of Jack Martin's lot; thence east along the North line of said Martin lot 174.5 feet; thence in a Northerly direction and parallel with 16th Street 150 feet to the South line of a certain lot owned by Max Baer; thence West along the south line of said Max Baer lot 174.5 feet to the point of beginning.

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 Thomas E. Thurman, Ione Brinkerhoff Smith, Stanley H. Brinkerhoff, and the following named persons, or, if deceased, their heirs or devisees; Anna Brinkerhoff Roberts, Dorothy Brinkerhoff Niles, Wilbert E. Brinkerhoff, George B. Brinkerhoff, C. D. Oliver, and C. J.

Cooper; and C. J. Cooper and Company, a corporation, or a dissolved corporation, and the unknown stockholders of C. J. Cooper and Company, 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 he 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 Lewis Baer vs. Thomas E. Thurman, et al, 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 28th day of July, 1976.

James H. Sharbutt
Judge

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Shelby Cnty Judge of Probate, AL
07/29/1976 12:00:00AM FILED/CERT

Conrad M. Fowler
JUDGE OF PROBATE

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1976 JUL 29 AM 8:22

FILED IN OFFICE, This the 28th day of July 1976
Kyle Lanford
Register Circuit Court of
Shelby County, Alabama.

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