

GLADYS F. WALTERS,

Plaintiff,

vs.

Certain land and Maggie McLeod
Manigault, et als,

Defendants.

1428
IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. E-1247-76



19761116000111230 1/3 \$.00
Shelby Cnty Judge of Probate, AL
11/16/1976 12:00:00AM FILED/CERT

DECREE

This cause coming on to be heard on this the 11th day of November, 1976, is submitted for final decree upon plaintiff's verified complaint, upon the default judgment rendered herein and upon the testimony of Mrs. Bettie O. Barnes and Mrs. Gladys F. Walters, taken orally before the Court on the 8th day of November, 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, Gladys F. Walters, 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:

Commence at: the NE corner of Section 22, Township 21 South, Range 1 East, (according to Alabama Power Company data); thence proceed South 1 deg. 00 min. East (MB) along the East boundary of said Section 22, (according to balanced Section data of John Goolsby, Reg. L.S.) for a distance of 1322.55 feet to a point (being the SE corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 22, Township 21 South, Range 1 East; thence turn an angle of 91 deg. 35 min. 30 sec. to the right and proceed North 89 deg. 24 min. 30 sec. West (MB) along the South boundary of the N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 22, Township 21 South, Range 1 East (according to the said Goolsby survey) for a distance of 2047.14 feet to the point of beginning of the tract herein surveyed (being marked by an iron pin located on the Northwest right-of-way line of County Highway No. 61); thence continue North 89 deg. 24 min. 30 sec. West (MB) along the said South boundary of the N $\frac{1}{2}$ of NE $\frac{1}{4}$, Section 22 for a distance of 587.50 feet to a point (iron pin) under an Old established fence; thence turn an angle of 93 deg. 20 min. 26 sec. to the left and proceed for a distance (along old established fence) for a distance of 305.09 feet to a point (iron pin) located on the Northwest right-of-way line of the said County Highway No. 61; thence turn an angle of 112 deg. 29 min. 34 sec. to the left and proceed along the said Northwest right-of-way line of County Highway No. 61 for a distance of 286.77 feet to the point of curvature of a 2 deg. curve to the left; thence proceed North-easterly along the said 2 deg. curve to the left (40 feet from and parallel to Centerline of the said 2 deg. curve) for a distance

of 359.67 feet along the right-of-way to the point of beginning. Said tract is lying in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 22, Township 21 South, Range 1 East and contains 2.17 acres, more or less, and situated in Shelby County, Alabama.

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 McLeod Manigault, and any other heirs at law and next of kin of G. B. McLeod, deceased, whose names, ages and addresses are unknown and cannot be ascertained after diligent search and inquiry; James B. Roberts, and any other heirs at law and next of kin of M. S. Roberts and Mary A. Roberts, deceased, whose names, ages and addresses are unknown and cannot be ascertained after diligent search and inquiry; Annie McLeod Roberson, Will Park McLeod, Mildred McLeod Mahlatgie, Daniel McLeod and G. M. (Games) McLeod; and the following named persons, or, if deceased, their heirs or devisees; Benjamin Prestridge, C. D. Heaton, C. E. Heaton and D. C. Heaton, 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 she 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.

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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 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 Gladys F. Walters vs. Maggie McLeod Manigault, 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 11th day of November, 1976.

James H. Charlutt
Judge

FILED IN OFFICE, This the 11th day

of November 1976

Lytle Lunsford
Register Circuit Court of
Shelby County, Alabama

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STATE OF ALABAMA
SHELBY COUNTY
JUDGE OF PROBATE
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INSTRUMENT WAS FILED