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THE FIRST NATIONAL BANK OF  
BIRMINGHAM, a banking corporation,  
as Trustee for Rose E. Atchison  
under Trust Instrument dated  
February 29, 1972,

IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
CASE NO. E-1428-77

Plaintiff,

vs.

Certain land and W. H. Porter, et als,

Defendants.



19770613000058020 1/3 \$.00  
Shelby Cnty Judge of Probate, AL  
06/13/1977 12:00:00 AM FILED/CERT

DECREE

20 BOOK PAGE 437  
This cause coming on to be heard on this the 10<sup>th</sup> day of  
June, 1977, is submitted for final decree upon Plaintiff's  
verified complaint, upon the default judgment rendered herein and upon  
testimony of J. E. Smith and Raymond Robert Lowery, taken orally before  
the Court on the 9th day of June, 1977 by order of the Court and re-  
duced 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, The First National Bank of  
Birmingham, a banking corporation, as Trustee for Rose E. Atchison  
under Trust Instrument dated February 29, 1972, at the time of the filing  
of it's complaint in this cause, claimed in its 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:

SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 34 and NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 35,  
Township 20 South, Range 4 West, Shelby County, Alabama.

Second: That at the time of the filing of said complaint,  
no suit was pending to test their title to, interest in or the right to  
the possession of said lands.

Third: That its said complaint was and is duly verified,  
and was filed against W. H. Porter, or, if deceased, his heirs or  
devisees, 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 it 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 its 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 its 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 The First National Bank of Birmingham, a banking corporation, as Trustee for Rose E. Atchison vs. W. H. Porter, 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 10<sup>th</sup> day of June, 1977.

James D. Sharbutt  
Judge

  
19770613000058020 3/3 \$.00  
Shelby Cnty Judge of Probate, AL  
06/13/1977 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

1977 JUN 13 PM 1:29

Thomas A. Snowden, Jr.  
JUDGE OF PROBATE

Rec. 4.50  
Dues 1.00  
5.50

FILED IN OFFICE, This the 10<sup>th</sup> day  
of June 1977

Kyle Lansford

Register Circuit Court of  
Shelby County, Alabama

BOOK 20 PAGE 439