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JEAN MITCHELL, individually, and as
Executrix of the Estate of Clifton
H. Benton, deceased; CLINTON BENTON;
RALEIGH BENTON; and, EVELYN SHARTEL,

Plaintiffs,

vs.

The following described land: That part
of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30,
Township 19, South, Range 1 East, Shelby
County, Alabama, described as follows:
Commence at the Southwest corner of said
 $\frac{1}{4}$ - $\frac{1}{4}$ Section and run Eastwardly along the
South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a
distance of 160.00 feet; thence left 88
degrees 00 minutes a distance of 420.00
feet; thence right 74 degrees 59 minutes
a distance of 228.64 feet, to the point
of beginning; thence continue in a
straight line a distance of 210.00 feet;
thence left 109 degrees 50 minutes 30
seconds a distance of 640.37 feet;
thence left 71 degrees 11 minutes 30
seconds a distance of 210.09 feet;
thence left 108 degrees 55 minutes 30
seconds a distance of 636.83 feet to the
point of beginning less and except
mineral and mining rights; the heirs or
devisees of J. T. Johnson, deceased; and
all such persons and the heirs or
devisees of such persons, if deceased,
and all such associations, partnerships,
corporations or other entities who
unknown to the Plaintiffs claim or are
reputed to claim any title to or interest
in, or lien or encumbrance upon, the real
estate made the subject matter of this
action or any part thereof,

Defendants.

IN THE CIRCUIT COURT
FOR
SHELBY COUNTY, ALABAMA

CIVIL ACTION NO. CV-77-90

FILED IN OFFICE THIS THE 1st DAY
August, 1977

Kyle Sanford
Clerk of Circuit Court
Shelby County, Alabama

JUDGMENT QUIETING TITLE IN REM

This cause coming on to be heard by the Court on this 27th day
of July, 1977 upon application by the Plaintiffs for final judgment,
following entry of default by the Clerk against each Defendant, and the
cause being submitted for final judgment upon the Plaintiffs' verified

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Wade M.

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Complaint, the Answer of the Guardian Ad Litem, the sworn ore tenus testimony of William D. Beckwith, Estelle Summers, as Chief Clerk for Tax Assessor, Fay F. Quick, as Tax Collector, Jean Mitchell and Willard Addison, and upon the pleadings and proof as shown by file in said cause, and this cause being taken under advisement by the Court for preparation of this judgment, the Court, after considering only such proof and testimony as is relevant, material, competent and legal, finds the facts, states its conclusions, and renders its judgment as follows:

FINDINGS OF FACT

1. The Plaintiffs, Jean Mitchell, individually, and as Executrix of the Estate of Clifton H. Benton, deceased; Clinton Benton; Raleigh Benton; and, Evelyn Shartel, at the time of filing their verified Complaint in this cause, claimed in their own right to own an absolute fee simple title to, and were in actual peaceable possession of, the real estate described in the Complaint, being the following described real estate:

That part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, Township 19 South, Range 1 East, Shelby County, Alabama, described as follows: Commence at the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section and run Eastwardly along the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 160.00 feet; thence left 88 degrees 00 minutes a distance of 420.00 feet; thence right 74 degrees 59 minutes a distance of 228.64 feet, to the point of beginning; thence continue in a straight line a distance of 210.00 feet; thence left 109 degrees 50 minutes 30 seconds a distance of 640.37 feet; thence left 71 degrees 11 minutes 30 seconds a distance of 210.09 feet; thence left 108 degrees 55 minutes 30 seconds a distance of 636.33 feet to the point of beginning, LESS and EXCEPT mineral and mining rights.

2. At the time of filing of said Complaint, no suit was pending to test the Plaintiffs' title to, interest in, or right to possession of said real estate.

3. Said Complaint is duly verified, and was filed against said real estate and against any and all persons, associations or corporations claiming or reputed to claim any title to, interest in, lien or encumbrance upon said real estate or any part thereof, and was to establish the right and title to said real estate, and to clear up all doubts and disputes concerning the same, and said Complaint did in all respects comply with the provisions of the law.

4. The Plaintiffs do not know the names, ages or whereabouts of

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the heirs or devisees of J. T. Johnson, deceased, the named Defendants herein, although the Plaintiffs have exercised reasonable diligence in trying to determine such information.

5. That the identity or whereabouts of the unknown persons made parties Defendant to this action, their ages and addresses or whether living or dead, are unknown to Plaintiffs, although they exercised reasonable diligence to ascertain the facts with regard thereto.

6. The Plaintiffs and those through whom they claim have held color of title to and have been in the actual and peaceable possession of said real estate for ten years immediately preceding the filing of the Complaint in this cause, and no other person, association or corporation has had any possession of said real estate or any part thereof during such period.

7. The Plaintiffs and those through whom they claim have assessed said real estate for ad valorem taxes for each of the ten years next preceding the filing of the Complaint in this cause, and have paid taxes becoming due thereon during each of such years, and no other person, association or corporation has assessed said real estate or any part thereof or any interest therein or paid any taxes thereon during such years.

8. Notice of Pendency of the Complaint filed in this cause was drawn and signed by the Clerk of this Court, and said Clerk had such notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper published and having a general circulation in Shelby County, Alabama, as prescribed by law, stating July 26, 1977 as the last day for appearances in this cause.

9. A copy of said Notice, certified by the Clerk as being correct, was recorded as a lis pendens in the Lis Pendens Record Book in the Office of the Judge of Probate of Shelby County, Alabama, on May 27, 1977.

10. That the time allowed by law for appearance has elapsed since the first publication of said Notice and the recording of a certified copy of said Notice in the Office of the Judge of Probate of Shelby County, Alabama.

11. No person, association, or corporation has intervened in this cause.

12. Conrad M. Fowler, Jr., Attorney at Law, the Guardian Ad Litem heretofore appointed to represent all the Defendants in this cause who are under the age of majority, incompetent, unknown or in the military service of the United States of America, accepted his appointment as Guardian Ad Litem and filed an answer denying the averments of the Complaint and demanding strict proof thereof, and



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said Guardian Ad Litem was present at the taking of the necessary testimony and proof in open Court in this cause and fully and adequately represented the interests of all minors, incompetents, unknown parties and parties in the military service of the United States of America, and no other Defendant to this cause filed a pleading or answer to the Complaint within the time allowed by law, and a default was entered against such parties by the Clerk.

13. Each of the averments of fact in the Complaint is true.

CONCLUSIONS OF LAW

1. This cause was properly brought as an in rem action against said real estate.

2. This cause was also properly brought against the heirs or devisees of J. T. Johnson, deceased, and all such associations, partnerships, corporations or other entities who unknown to the Plaintiffs claim or are reputed to claim any title to or interest in, or lien or encumbrance upon, the real estate made the subject matter of this action or any part thereof.

3. All persons, associations or corporations who claim or are reputed to claim any title to, interest in or lien or encumbrance on said real estate or any part thereof are properly before this Court and their claim of title to, interest in, or lien or encumbrance upon said real estate or any part thereof will be finally and conclusively determined by this decree.

JUDGMENT

IT IS, THEREFORE, upon consideration of this Court, ORDERED, CONSIDERED, ADJUDGED AND DECREED by this Court as follows:

1. The Plaintiffs are entitled to the relief prayed for in their Complaint, and the fee simple title claimed by Plaintiffs in said real estate, less and except mineral and mining rights, has been duly proven.

2. The Plaintiffs are the owners of said real estate, less and except mineral and mining rights, and have an absolute fee simple title thereto, free of all liens or encumbrances, except the lien for non-delinquent ad valorem taxes and easements to Alabama Power Company as shown by instruments recorded in Deed Book 112, at Page 111, and Deed Book 112, at Page 112, in the Office of the Judge of Probate of Shelby County, Alabama, and their said title thereto be and the same is hereby



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established, and all doubts and disputes concerning the same are hereby cleared up.

3. None of the Defendants in this cause have any right, title, interest, lien or encumbrance upon said real estate or any part thereof.

4. A certified copy of this Judgment be recorded in the deed records in the Office of the Judge of Probate of Shelby County, Alabama, and be indexed on the direct index in the names of Jean Mitchell, Clinton Benton, Raleigh Benton and Evelyn Shartel and in the name of Certain Land and J. T. Johnson on the indirect index of record thereof.

5. That Conrad M. Fowler, Jr., as 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 1st day of August, 1977.

James H. Sharbutt
Circuit Judge

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned, Kyle Lansford, Clerk 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 judgment entered in the above and foregoing cause.

WITNESS MY HAND and Seal of Office this the 1st day of August, 1977.

Kyle Lansford
Clerk

STATE OF ALA. SHELBY CO.
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Thomas A. Crowder, Jr.
JUDGE OF PROBATE

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