

875  
RUTH LUCK GORDON and  
HARRIS M. GORDON,

Plaintiffs,

vs.

Certain land and L. J. Benson,  
et als,

Defendants.

IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA

CASE NO. CV-77-34

19770823000088020 1/3 \$.00  
Shelby Cnty Judge of Probate, AL  
08/23/1977 12:00:00 AM FILED/CERT

D E C R E E

This cause coming on to be heard on this the 16<sup>th</sup> day of August, 1977, is submitted for final decree upon plaintiffs' verified complaint, upon the default judgment rendered herein and upon the testimony of Harris M. Gordon, taken orally before the Court on the 4th day of August, 1977, 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 plaintiffs, Ruth Luck Gordon and Harris M. Gordon, at the time of the filing of their complaint in this cause, claimed in their own right a fee simple title to and were 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:

A part of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 5, Township 22, Range 3 West, described as commencing at the crossing of the south right-of-way line of the Montevallo-Maylene-Dogwood Highway with the West right-of-way line of the Main Line of the Southern RR and run Southerly along said west right-of-way line of RR to the North right-of-way line of the Southern RR Spur that led to the Little Gem Coal Co. mine, which point is the point of beginning of the property described herein; then run westerly along said spur north right-of-way line to the East right-of-way line of the new Montevallo and Dogwood Highway; thence run southerly to the  $\frac{1}{4}$ - $\frac{1}{4}$  section line along said highway east right-of-way line; thence run east along said  $\frac{1}{4}$ - $\frac{1}{4}$  section line to the said West right-of-way line of the Southern RR Main Line; thence run north along said west right-of-way line of the Southern RR main line to the said point of beginning. Situated in 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.

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Third: That their said complaint was and is duly verified, and was filed against L. J. Benson, or, if deceased, his heirs or devisees, and all parties who, unknown to plaintiffs 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 plaintiffs and that they 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 plaintiffs' complaint are true, It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court (1) that plaintiffs are entitled to the relief prayed for in their Complaint, and that the fee simple title claimed by plaintiffs 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 plaintiffs are the owners of said lands as described above and have a fee simple title thereto, free of all liens and encumbrances, and that their 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 Ruth Luck Gordon and Harris M. Gordon vs. L. J. Benson, et als, on both the direct index and the indirect index of the record thereof.

(5) That plaintiffs pay the costs of these proceedings, for which let execution issue.

Done this the 16<sup>th</sup> day of August, 1977.

James H. Sharbutt.  
Judge



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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT IS TRUE

1977 AUG 23 PM 3:05

Thomas A. Snowdon  
JUDGE OF PROBATE

Rec. 4.50  
Incl 1.00  
5.50

FILED IN OFFICE THIS THE 16<sup>th</sup> DAY  
OF August 1977

Kyle Sanford

Clerk of Circuit Court  
Shelby County, Alabama