

SIDNEY MAURICE BIRD, JR.

Plaintiff,

vs

Certain land, Calera Land Co.,
et al

Defendants.

5437
IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. CV-77-172

D E C R E E

This cause coming on to be heard on this the 5th day of December, 1977, is submitted for final decree upon plaintiff's verified complaint, upon the default judgment rendered herein and upon the testimony of taken orally before the Court on the 5th day of December, 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 plaintiff, Sidney Maurice Bird, Jr., 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, bying in the Court of Shelby, State of Alabama and more particularly described as follows:



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Shelby Cnty Judge of Probate, AL
12/16/1977 12:00:00 AM FILED/CERT

FILED IN OFFICE THIS THE 6th DAY
OF December, 1977

[Signature]
Clerk of Circuit Court
Shelby County, Alabama

22 PAGE 955
BOOK

The South 210 feet of Block 47, Dunstan's Map of Calera, Alabama, East of U.S. Hwy. 31, being Lots 1, 2, 3, 4, 5, 6, 7, 8 and the south 10 feet of Lot 9, more particularly described as: Commence at the NE corner of Section 21, Twp. 22 South, Range 2 West, thence run west along the north line of said section a distance of 1907.30 feet to the centerline of the L & N Railroad; thence turn and angle of 90 deg. 31 min. 00 sec. to the left and run along the centerline of said Railroad a distance of 270.00 feet; thence turn an angle of 90 deg. 00 min. 00 sec. to the right and run a distance of 100.00 feet to the point of beginning; thence continue in the same direction a distance of 183.24 feet to the east R/O/W of U.S. Highway 31; thence turn an angle of 86 deg. 10 min. 00 sec. to the left and run along said Highway R/O/W a distance of 210.47 feet to the north line of 8th Avenue; thence turn an angle of 93 deg. 50 min. 00 sec. to the left and run along the north line of 8th Avenue a distance of 197.31 feet to the Southeast corner of Lot 1, Block 47, Dunstan's Map; thence turn an angle of 90 deg. 00 min. 00 sec. to the left and run a distance of 210.00 feet to the point of beginning. Situated in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 21, Township 22 South, Range 2 West, Huntsville Meridian, Shelby County, Alabama.

The North 200.00 feet of Block 46, Dunstan's Map of Calera, Alabama,, East of U.S. Hwy 31, being Lots 2, 3, 4, 5, 6, 7, 8 & 9, more particularly described as follows: Commence at the northeast corner of Section 21, Township 22 South, Range 2 West, thence run West along the north line of said section a distance of 1907.30 feet centerline of the L & N Railroad, thence turn an angle of 90 deg. 31 min. 00 sec. to the left and run along said centerline a distance of 555.00 feet; thence turn an angle of 90 deg. 00 min to the left and run a distance of 100.00 feet to the northeast corner of Lot 9 of said Block 46 and the point of beginning; thence continue in the same direction a distance of 202.34 feet to the east R/O/W of U.S. Highway # 31; thence turn an angle of 86 deg. 10 min. 00 sec. to the left and run along said Hwy. a distance of 200.46 feet; thence turn an angle of 93 deg. 50 min. 00 sec. to the left and run a distance of 215.74 feet to the southeast corner of Lot 2, said Block 46; thence turn an angle of 90 deg. 00 min. 00 sec. to the left and run a distance of 200.00 feet to the point of beginning. Situated in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 21, Township 22 South, Range 2 West, Huntsville Meridian, Shelby County, Alabama.
All of 8th Avenue which lies between the East Boundary of Highway 31 and the west boundary of L & N Railroad in the town of Calera, Shelby County, Alabama.



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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 Calera Land Company, a corporation or partnership or dissolved corporation, whichever the case may be, and if dissolved or discontinued, the trustees or stockholders or partners at the time of liquidation or dissolution, all of whom are unknown, and against all parties who, unknown to plaintiffs claim an interest in and 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.

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 News, 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.

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 land as described above and has a fee simple title thereto, free of all liens and encumbrance 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.

(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 Sidney Maurice Bird, Jr. vs Calera Land Company, et al, on both the direct index and the indirect index of the record thereof.

(5) That plaintiff pay the costs of these proceedings, and Guardian Ad Litem fee in the amount of \$75.00 which is taxed as part of the cost in this proceeding, for which let execution issue.

Done this the 5th day of December, 1977.

[Signature]
Judge



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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
JUDGE OF PROBATE

1977 DEC 15 PM 3:12

[Signature]
JUDGE OF PROBATE

Rec. 6.00
Ind. 1.00
7.00