

IN THE CIRCUIT COURT
EIGHTEENTH JUDICIAL CIRCUIT
OF ALABAMA, SHELBY COUNTY
IN EQUITY

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Shelby Cnty Judge of Probate, AL
01/09/1979 12:00:00 AM FILED/CERT

CASE NO. CV-78-206(E)

GEORGE E. LUTZ,

PLAINTIFF,

VS.

One square acre in SW corner of NE 1/4 of NE 1/4, East of Hurricane Creek, being in Section 34, Township 20, Range 4 West, more particularly described as follows: Commencing at the NE corner of Section 34, Township 20 South, Range 4 West, thence N 87° 30' W along the North boundary of said Section a distance of 509.25 feet to the point of beginning; thence S 20° 30' W a distance of 462.82 feet to the North R.O.W. Line of Shelby County Road No. 13; thence Southwesterly along said R.O.W. line a distance of 210 feet to a point; thence N 2° 30' E a distance of 624.75 feet to a point on the North boundary of said Section; thence S 87° 30' E a distance of 118.35 feet to the point of beginning. Said land being situated in the NE 1/4 of NE 1/4 Section 34, Township 20 South, Range 4 West, Shelby County, Alabama,

AND

W. W. HOLLINGSWORTH, if living, or his heirs and devisees, if deceased,

AND

All other unknown parties and any and all other persons, partnerships, corporations or legal entities whatsoever that claim any right, title, interest or ownership in and to the above described real estate, or any part thereof, whether such interest be present, future, contingent, reversionary or otherwise,

DEFENDANTS.

FINAL DECREE

This cause, coming on to be heard on this the 9th day of January, 1979, is submitted for final decree upon the Plaintiff's verified Complaint and upon the testimony of George E. Lutz, taken orally before the Court by order of the Court, said testimony being reduced to writing and filed, the affidavit of Emma Lutz, and the certificate of the Register, all of which is noted by the Register, and it appears to the satisfaction of the Court:

FIRST: That the Plaintiff, GEORGE E. LUTZ, at the time of the filing of his Complaint in this cause claimed in his own right the simple title to and was in the actual peaceable possession of the following described lands, lying in the County of Shelby, State of Alabama, described as follows:

One square acre in SW corner of NE 1/4 of NE 1/4, East of Hurricane Creek, being in Section 34, Township 20, Range 4 West, more particularly described as follows: Commencing at the NE corner of Section 34, Township 20 South, Range 4 West, thence N 87° 30' W along the North boundary of said Section a distance of 509.25 feet to the point of beginning; thence S 20° 30' W a distance of 462.82 feet to the North

JACKIE M. McDOUGAL
ATTORNEY-AT-LAW

R.O.W. line of Shelby County Road No. 13; thence Southwesterly along said R.O.W. line a distance of 210 feet to a point; thence N 2° 30' E a distance of 624.75 feet to a point on the North boundary of said Section; thence S 87°30' E a distance of 118.35 feet to the point of beginning. Said land being situated in the NE 1/4 of NE 1/4 Section 34, 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 his title to, interest in, or the right to possession of said lands.

THIRD: That his Complaint was and is duly verified and in all respects, complies with the provisions of the Code of Alabama, 1975 Title 6-6-561.

FOURTH: That the names of none of the parties respondent were known to the Plaintiff except W. W. Hollingsworth and that the Plaintiff has exercised due diligence to ascertain the facts with regard thereto and that said Plaintiff has so exercised reasonable diligence.

FIFTH: That notice of pendency of said Complaint was drawn and signed by the Register of this Court and said Register did have such notice to be 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 for Shelby County, Alabama, said notice being in strict accord and compliance with the Code of Alabama, 1975 Title 35-4-131.

SEVENTH: That it has been more than 60 days since the first publication of said notice and the filing of a certified notice of the Office of the Probate Judge for Shelby County, Alabama.

EIGHTH: That no person has intervened in this cause.

NINTH: That all of the allegations of fact contained in Plaintiff's Complaint are true.

TENTH: That a Guardian Ad Litem, Honorable Frank C. Ellis, was appointed by this Court and participated in the hearing in said cause to represent all minors, known or unknown, all persons of unsound mind, known or unknown, whether resident or non-resident and all other persons, known or unknown under any disability, and said Guardian Ad Litem is hereby allowed a fee of \$ 100.00 for his services in said cause, said fee to be assessed as a part of the costs in this cause.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the Plaintiff is entitled to the relief prayed for in his Complaint and that the fee simple title claimed by the Plaintiff in the above described lands has been duly proved.

2. That the Plaintiff is the owner of said lands and has a fee simple title thereto, free of all liens and encumbrances, 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 up.

3. That a certified copy of this Decree be recorded in the Office of the Judge of Probate for Shelby County, Alabama, and that it be indexed in the name of George E. Lutz, on both the direct index and the indirect index of the record thereof.

4. That Frank C. Ellis is awarded \$100.00 as Guardian Ad Litem fee to be collected as a part of costs and paid to him.

5. That the Plaintiff, George E. Lutz, pay the costs of these proceedings, for which let execution issue.

DONE AND ORDERED, this the 9th day of January, 1979.

James H. Sharbutt
CIRCUIT JUDGE, IN EQUITY SITTING

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

1979 JAN 9 PM 2:18

Thomas A. Lunsford, Jr.
JUDGE OF PROBATE

Rec. 4.50
Ind 1.00
5.50

FILED IN OFFICE THIS THE 9th DAY
OF January, 1979.

Kyle Ransford

Clerk of Circuit Court
Shelby County, Alabama

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