

BILL TO QUIET TITLE

JOE PRICE PEARSON

Complainant

v.s.

NE 1/4 of the SW 1/4 of Section 21, Township 18 South, Range 1 East, Shelby County, Alabama, except 2 acres lying in the Southeast corner of said 1/4 1/4 Section said 2 acres more particularly described as follows: A parcel of land lying in NE 1/4 of the SW 1/4 of Section 21, Township 18 South, Range 1 East, Shelby County Alabama, described as follows: Begin at the Southeast corner of said 1/4 1/4 Section and run Northerly along the East line of said 1/4 1/4 Section a distance of 273.89 feet to an iron pin; thence turn left 89 degrees 36 minutes 09 seconds and run Westerly a distance of 325.0 feet; thence turn left 90 degrees 27 minutes 04 seconds and run Southerly a distance of 263.27 feet to a point on the South line of said 1/4 1/4 Section; thence turn left 87 degrees 40 minutes 33 seconds and run Easterly along the South line of said 1/4 1/4 Section a distance of 325.0 feet to the point of beginning, containing 2.0 acres, more or less

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AND W. H. HOOD,
WHOSE ADDRESS IS UNKNOWN,
ANY AND ALL UNKNOWN PARTIES,
including any persons claiming
any present interest therein
and including any persons
claiming any future, contingent,
reversionary, remainder, or
other interest therein, who
may claim any interest in the
above described property,

RESPONDENTS

19790329000037970 1/4 \$.00
Shelby Cnty Judge of Probate, AL
03/29/1979 12:00:00 AM FILED/CERT

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CASE NO. CV 78 248 (E)

This cause coming on to be heard on this 28 day of March 1979 and being submitted for final decree on the original verified bill of complaint, including facts verified relative to service by publication, prior order prescribing and directing notice to the Respondents and appointment of guardian ad litem, testimony of the Register showing recording of notice of pendency of the bill of

complaint in the lis pendens records in the Office of the Judge of Probate of Shelby County, Alabama, proof of publication of notice of pendency of this proceeding, answer of the guardian ad litem appointed by the Court, denying all of the allegations of the bill of complaint and oral testimony taken in open court, all of which is as noted by the Register,

And all of the following matters appearing to the satisfaction of the Court, the Court makes the following as findings of fact, among other things:

1.) That JOE PRICE PEARSON, at the time of the filing of his bill of complaint in this cause, claimed in his own right the fee simple title to and was in actual peaceable possession of the following described lands:

NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 18 South, Range 1 East, Shelby County, Alabama, except 2 acres lying in the Southeast corner of said $\frac{1}{4}$ $\frac{1}{4}$ Section said 2 acres more particularly described as follows: A parcel of land lying in NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 18 South, Range 1 East, Shelby County, Alabama, described as follows: Begin at the Southeast corner of said $\frac{1}{4}$ $\frac{1}{4}$ Section and run Northerly along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ Section and a distance of 273.89 feet to an iron pin; thence turn left 89 degrees 36 minutes 09 seconds and run Westerly a distance of 325.0 feet; thence turn left 90 degrees 27 minutes 04 seconds and run Southerly a distance of 263.27 feet to a point on the South line of said $\frac{1}{4}$ $\frac{1}{4}$ Section; thence turn left 87 degrees 40 minutes 33 seconds and run Easterly along the South line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 325.0 feet to the point of beginning, containing 2.0 acres, more or less

2.) That at the time of the filing of the said bill of complaint, no suit was pending to test Complainant's title to, interest in, or the right to the possession of said land;

3.) That Complainant's said bill of complaint was and is duly verified, and was filed against said lands and against any all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such lands or interest, and to clear up all doubts or disputes concerning the same, and that said bill of complain did in all respects comply with the provisions of Code of Alabama, 1975, Title 6, Section 6-561 and Title 6, Section 6-562, as amended;

4.) That service of process was had in strict compliance with the provisions of the Alabama Rules of Civil Procedure, Rule 4, diligence to ascertain all of the facts in regard to the names of proper parties Respondent;

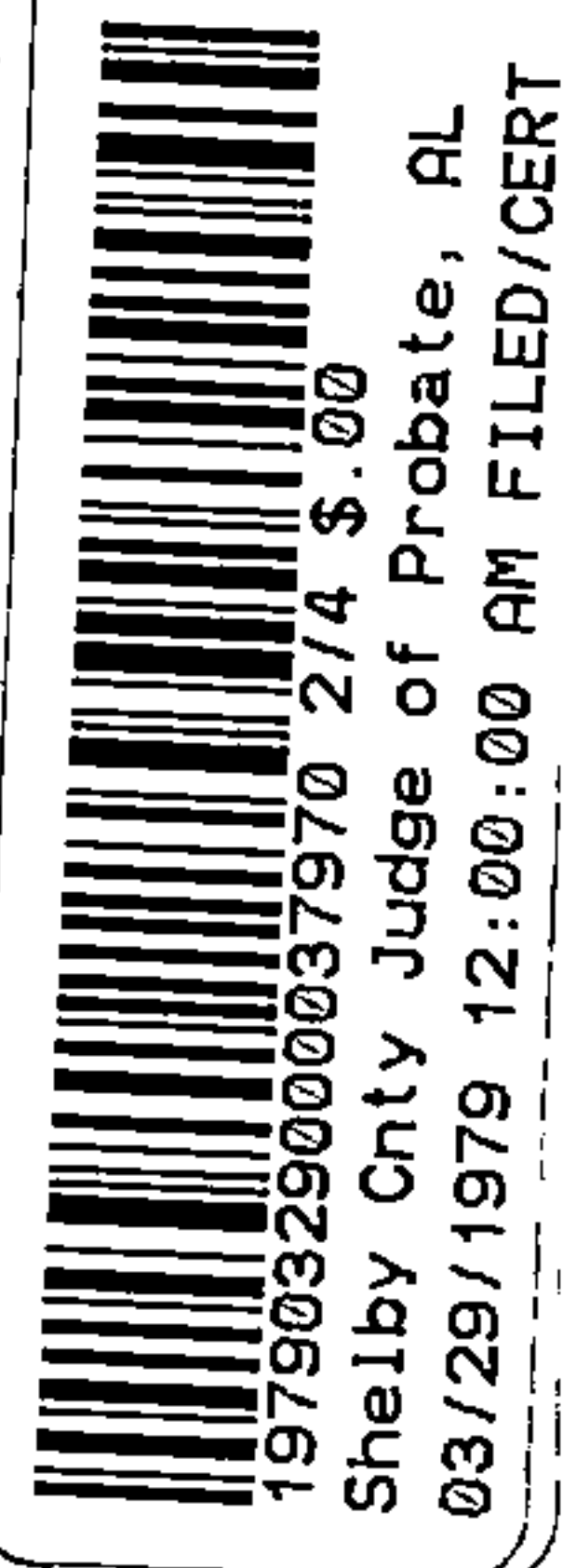
5.) That notice of the pendency of said bill of complaint was drawn and signed by the Register of this Court, and said Register did have such notice published once a week for Four consecutive weeks in the Shelby County Reporter, a newspaper having general circulation and published in Shelby County, Alabama, as prescribed by an order made in this cause;

6.) That a copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the Office of the Judge of Probate of said county.

7.) That it has been more than sixty days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Probate Judge of said County;

8.) That no person has intervened in this cause except that James Pino, Esquire, appointed by the Court herein as guardian as litem for interest of infant, lunatic, and unknown parties in the proceeding has appeared herein, denied the allegations of this complaint, demanded strict proof thereof, and examined the entire file in this proceeding, including the testimony on behalf of the Complainants;

9.) That all of the allegations of fact contained in the bill of complaint are true; that there was proper service of process on all of the Respondents named in the bill of complaint;



10.) That the Respondents named in the bill of complaint contained all names known to Complainants after the exercise of diligence, and that all of the Respondents were represented in this proceeding by guardian ad litem except those that had filed answer and waivers or as to whom decrees pro confesso had been entered after proper service of process on all proper parties;

11.) That the Complainants complied with all of the provisions of Article 2 of Title 7 of the Code of Alabama, 1940, as amended, relative to this proceedings in rem to establish title to land;

It is, therefore, ordered, adjudged and decreed by the Court that the Complainants are entitled to the relief prayed for in their bill of complaint and that the fee simple title claimed by the complainants in and to the above described lands, with the exceptions noted above, have been duly proved, and that the Complainants are the owners of said lands and have a fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that their title thereto be and is hereby adjudicated and established, and that all doubts and disputes concerning same be and the same are hereby cleared up;

And it is further ordered, adjudged and decreed by the Court 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 names of the Complainants herein, in both the direct index and indirect index of the records thereof;

And it is further ordered, adjudged and decreed by the Court that James Pino, Esquire, be and he is hereby awarded a fee of \$100.00 for his services as guardian ad litem in this proceeding, to be taxed as a part of the costs herein, to be paid by the Register of this Court to him on payment of such costs;

And it is further ordered, adjudged and decreed by the Court that the Complainants herein pay the costs of this proceeding, for which execution may issue.

Done this 29 day of March, 1979.

Gerald E. McQueen
Circuit Judge

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Shelby Cnty Judge of Probate, AL
03/29/1979 12:00:00 AM FILED/CERT

FILED IN OFFICE THIS THE 29th DAY
OF March, 1979.

Kyle Sanford

Clerk of Circuit Court
Shelby County, Alabama

STATE OF ALABAMA)
)
Shelby COUNTY)

I, Kyle Lansford, Register of the Circuit Court of
Shelby County, Alabama, do hereby certify that the above
and foregoing is a true copy of the final decree in the above proceed-
ing, the original of said decree being now on file in my office, and
I further certify that the costs in said proceeding have been paid.

Witness my hand and the seal of this Court this 29th day
of March, 1979.

Kyle Lansford
Register

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Shelby Cnty Judge of Probate, AL
03/29/1979 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
COPIED TO BE FILED
1979 MAR 29 PM 3:18
Thomas A. Swanson, Jr.
JUDGE OF PROBATE
Rec. 600
Ind. 100
700