

ELNORA ODEN, et al,
Plaintiffs,

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

Case No. E-1250-76

vs.

JOHN DOE d/b/a LUCK & GORDON,
et al,

FILED IN OFFICE, This the 23 day
of January 1980

Defendants.

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Shelby Cnty Judge of Probate, AL
03/07/1980 12:00:00 AM FILED/CERT

FINAL ORDER

Kyle Sanford
Register Circuit Court of
Shelby County, Alabama

This cause coming on to be heard on this the 5th day of November, 1979, pursuant to the previous order of this Court on Bill of Complaint, in rem, as amended, duly verified, under which said defendants claim to own said land in fee simple, and the answer and cross-bill, as amended, duly verified, against the cross-defendants and said land and all parties claiming an interest, lien or encumbrance on said land or any part thereof, and the purpose of said bill of complaint and cross-bill was to clear all doubts and disputes concerning said land and said bill of complaint and cross-bill complied with the provisions of the Code of Alabama, 1940, Title 7, Section 1117 as well as the 1975 Code of Alabama, Sec. 6-6-561, and the pre-trial order and all other pertinent pleadings; and it appears to the satisfaction of the Court that all persons claiming an interest in said land having been served as provided by law; the defendants and cross-plaintiffs having exercised the utmost diligence in attempting to ascertain the names of any other persons claiming any interest in said hereinafter described land, all as provided by law, but have been unable to discover any such claimants, and all the parties being present in open court and being represented by their attorney of record and the Court having appointed Conrad M. Fowler, Jr., as Guardian Ad Litem, to represent the unknown heirs or owners and any disabled heirs or owners and any persons in the armed services, who may be heirs or owners; and said Guardian Ad Litem having denied the complaint, as amended, and the cross-bill, as amended, and demanded strict proof thereof, and the Court having proceeded to hear the oral testimony under oath of Burnette Franklin, who testified for the plaintiffs and cross-defendants, and Mr. Harris M. Gordon, who testified under oath on behalf of the defendants and cross-plaintiffs;

and after having heard all the testimony in this cuase and considering the exhibits, both those introduced and those referred to in the testimony, the Court further finds as follows:

1. 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 rule of this Court, or by an order made in this cause.

2. 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 Code 1940, Title 7, Sec. 1121

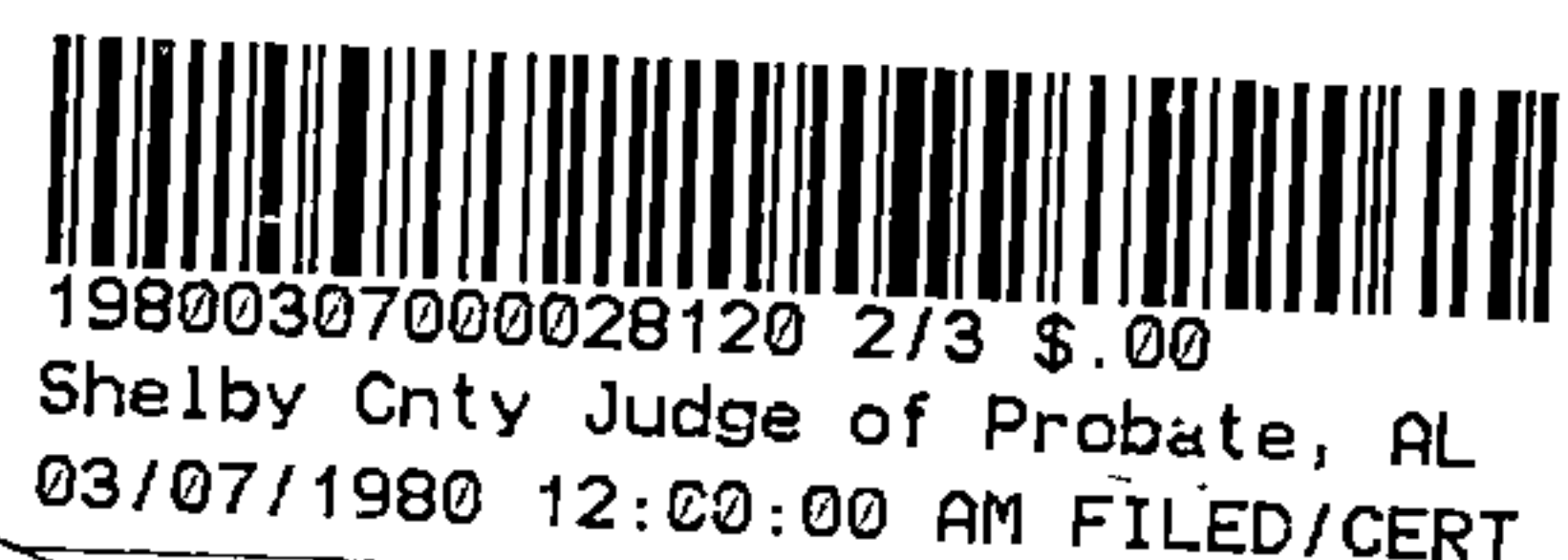
3. That it has been more than sixty days since the first publication of said notice and the filing of a certified copy of said notice in the office of the Probate Judge of said County.

4. That no person has intervened in this cause.

5. That the parties to this cause of action have reached a settlement in this cause, which said settlements have been ratified and confirmed by this court, all as set out in a separate agreement in writing; said agreement having been executed by the attorneys of record on behalf of their clients and said plaintiffs and defendants and their said attorneys hold copies of the same. Said agreements being made a part hereof as if written herein.

6. That the plaintiffs and cross-defendants have failed to establish that they have any right, title to or lien or encumbrance on the real property hereinafter described; said property being described as follows:

The NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11, Township 22, South, Range 1 West, except 10 acres in the SE corner, situated in Shelby County, Alabama.



STATE OF ALA. SHELBY CO.
I CERTIFY THIS
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STATE OF ALA. SHELBY CO.
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7. That the defendants and cross-plaintiffs have had

the actual possession of the land involved in this proceeding for more than 40 years, under color of title and, under a claim of ownership in fee simple, without recognition of any claim, right or title of the plaintiff and cross-defendants or anyone else, and have paid taxes each and every year since their predecessor purchased said land from the State Auditor of the State of Alabama on May 5, 1928, as shown by deed recorded in Deed Book 86, page 131, in the Probate Office of Shelby County, Alabama, and that said occupancy operated under the doctrine of prescription and the absolute rule of repose.

4. That the plaintiffs and cross-defendants' claim of ownership of said land is barred by the statute of limitations and by laches, all as set out in the amended answer and cross-bill.

5. That there is no suit pending to test the validity of the plaintiffs' and cross-defendants' and the defendants' and cross-plaintiffs' title to said land.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendants and cross-plaintiffs are entitled to the relief prayed for in their cross-bill and that the fee simple title claimed by the defendants has been duly proven.

That the defendants and cross-plaintiffs/are the owners of the said lands, 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.

That a certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, as provided by law.

That the Guardian Ad Litem fee be and the same is hereby fixed at \$150.00 which shall be a part of the costs taxed in this cause, and that the defendants and cross-plaintiffs shall pay the costs of these proceedings in the amount of \$31.70 for which let execution issue.

This the 4th day of January, 1980.

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