

EDGAR WILSON and  
ADA MAE WILSON  
  
PLAINTIFF


VS.

LOIS CARDEN  
  
DEFENDANT

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

) CASE NO. CV 80 338 (E)

D E C R E E

  
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Shelby Cnty Judge of Probate, AL  
12/01/1980 00:00:00 FILED/CERTIFIED

This cause coming on to be heard on this 26th day of November, 1980, on Plaintiffs' complaint and exhibits attached thereto, answer of the guardian ad litem of Defendant denying the material allegations of the complaint, and sworn testimony by the Plaintiffs given in open court this 26th day of November, 1980, the Court finds that:

(1) Ed Carden and his wife Sallie Carden were joint owners with right of survivorship of the following described land:

Commence at the Southwest corner of Block 1 of said Safford survey; thence proceed in a Northerly direction along the East boundary of Church Street for 215.00 feet to a point; being the point of beginning of the parcel of land herein described; thence continue along the East boundary of Church Street for 177.36 feet to a point; thence turn 98 deg. 23 min. 22 sec. right and run 134.52 feet to a point; thence turn 88 deg. 29 min. 50 sec. right and run 173.14 feet to a point; thence turn 90 deg. 17 min. 35 sec. right and run 113.21 feet to the point of beginning. Said parcel contains 0.50 acre.

(2) On March 12, 1960, Ed and Sallie Carden attempted to convey this property to the Plaintiffs, Edgar Wilson and Ada Mae Wilson, their son-in-law and daughter, but the deed given to the Wilsons contained an erroneous description.

(3) On February 9, 1962, the Cardens gave the Wilsons a curative deed, supposedly correcting the erroneous description contained in the original deed. This curative deed also contained an erroneous description.

(4) The Plaintiffs, Edgar Wilson and Ada Mae Wilson, took possession of the above-described property shortly after obtaining the original deed in March of 1960, and have been in continuous, actual, open, hostile, notorious and exclusive possession of said property, claiming it as their own, for more than twenty years next preceding the filing of this complaint, constructing a house on the property and residing there ever since.

(5) Ed Carden and Sallie Carden died several years prior to the filing of this complaint, leaving as heirs and next of kin the Plaintiff Ada Mae Wilson, William Howard Carden, Otis Harold Carden, Ruby Carden, Gordon E. Carden, Helen Bush, Patricia White, Faye Horton, and Defendant Lois Carden.

(6) On October 20, 1980, the Plaintiffs received a deed

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from William Howard Carden; Otis Harold Carden and wife, Mamie Carden; Ruby Carden; Gordon E. Carden and wife, Shelia Carden; Helen Bush and husband, Morris Bush; Patricia White and husband, Oneal White; and Faye Horton conveying all their interest in and to the above-described property, said deed containing a correct, survey description of the property. The only other heir with any claim to the property is the Defendant, Lois Carden, who is an incompetent person currently confined in Partlow State School in Tuscaloosa, Alabama.

(7) It is a further finding of the Court that, based on the foregoing, the Plaintiffs are the true owners of the above-described property and, but for an erroneous description contained in the original deed to the Plaintiffs, Defendant would have no color of legal title to the property.

It is therefore ORDERED, ADJUDGED, AND DECREED that:

(1) The entire right, title, and interest in and to the following described property is vested in Edgar Wilson and wife, Ada Mae Wilson, as joint tenants with right of survivorship:

A portion of Block 1, according to Safford's survey of the Town of Shelby recorded in Map Book 3, Page 38, Probate Office of Shelby County, Alabama more particularly described as follows:

Commence at the Southwest corner of Block 1 of said Safford Survey; thence proceed in a Northerly direction along the East boundary of Church Street for 215.00 feet to a point; being the point of beginning of the parcel of land herein described; thence continue along the East boundary of Church Street for 177.36 feet to a point; thence turn 98 deg. 23 min. 22 sec. right and run 134.52 feet to a point; thence turn 88 deg. 29 min. 50 sec. right and run 173.14 feet to a point; thence turn 90 deg. 17 min. 35 sec. right and run 113.21 feet to the point of beginning. Said parcel contains 0.50 acre.

(2) The Defendant, Lois Carden, has no right, title or interest in or to said property.

(3) Joseph Walden is hereby awarded the sum of \$100.00 as guardian ad litem fee.

Costs taxed to Plaintiffs.

DONE THIS 26 DAY OF NOV, 1980.

NO TAX COLLECTED

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

1980 DEC -1 PM 4:01

Judge of Probate

Rec. 300  
Exp. 100  
400

Robert R. Armstrong, Jr.  
ROBERT R. ARMSTRONG, JR.  
CIRCUIT JUDGE

FILED IN OFFICE THIS THE 26 DAY  
OF NOV 19 80

Kyle R. Raper

Clerk of Circuit Court  
Shelby County, Alabama

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