

ANNIE C. PHILLIPS, et al,
Plaintiff,

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

vs.

Case No. CV-81-017 (S)

CERTAIN DESCRIBED LANDS, and
ELSIE ARCHER JONES, ET AL,

472

Defendants.



19810513000053470 1/3 \$.00
Shelby Cnty Judge of Probate, AL
05/13/1981 12:00:00 AM FILED/CERT

DECREE

This cause coming on to be heard on this the 4 day of ^{May} ~~April~~, 1981,
is submitted for final decree upon plaintiff's verified complaint, upon the
default judgment rendered herein and upon the testimony of E.R. Elliott, taken
orally before the Court on the 14 day of April, 1981, 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 plaintiffs, Annie C. Phillips, Jean P. Sims, and
G.B. Phillips, Jr., at the time of the filing of their complaint, in this cause,
claimed in their own right a fee simple title to and were in the actual peaceable
possession of the following described lands, lying in the County of Shelby, State
of Alabama, and more particularly described as follows:

The N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 27,
Township 19 South, Range 1 East; the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of
Section 34, Township 19 South, Range 1 East; and a lot
beginning at the NE corner of the SE $\frac{1}{4}$ of Section 28,
Township 19 South, Range 1 East and run West 300 feet to
the Columbiana-Sterrett Road (now known as Shelby County
Highway No. 55), then turn left and run Southerly along
said right-of-way 20 feet; thence turn left and run East
148 feet; thence turn South and run 210 feet, mor or less,
to the North line of the lot conveyed to John J. Hill, and
wife, Susie J. Hill, in deed recorded in Deed Book 262,
page 367, in the Probate Office of Shelby County, Alabama;
then turn left and run Easterly along the North line of the
Hill lot 152.8 feet, more or less, to the East line of said
quarter Section; then turn left and run North 210 feet,
more or less, to the point of beginning.
Situated in Shelby County, Alabama.

Second: That at the time of the filing of said complaint, no suit was
pending to test their title to, interest in or the right to the possession of said
lands.

FILED IN OFFICE THIS THE 4th DAY
OF May, 1981

Kyle Sanford

Clerk of Circuit Court
Shelby County, Alabama

BOOK 40 PAGE 085

Third: That their complaint was and is duly verified, and was filed against the following named persons, or, if deceased, their heirs or devisees: M.S. Rogers, Marvin Archer, Augusta Archer Lybrand, Elsie Archer Jones, Leon Archer, Nelson Archer, H.E. Archer, Jr., and Manning S. Rogers, and all parties who, unknown to plaintiffs claim an interest in or 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 Code of Alabama, 1975, Section 1-1-15.

Fourth: That the whereabouts of unknown persons, their ages and addresses or whether living or dead who were made defendants were unknown to plaintiffs and that they 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 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 Judge of Probate of said County, said notice being in strict accord and compliance with the Code of Alabama, 1975, Section 1-1-15.

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 act contained in plaintiffs' complaint are true. It is, therefore,

ORDERED, ADJUDGED AND DECREED BY THE COURT (1) that plaintiffs are entitled to the relief prayed for in their complaint, and that the fee simple title claimed by plaintiffs 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.



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BOOK 40 PAGE 686

(3) That the plaintiff, Annie C. Phillips owns one-fourth interest in the lands described above; Jean P. Sims, plaintiff herein, owns three-eighths interest in the lands described above; and G.B. Phillips, plaintiff herein, owns three-eighths interest in the lands described above; and plaintiffs have a fee simple title thereof, 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.

(4) That a certified copy of this decree be recorded in the Office of Judge of Probate of Shelby County, Alabama, and that it be indexed in the same of Annie C. Phillips, Jean P. Sims, and G.B. Phillips, Jr. vs. M.S. Rogers, Marvin Archer, Augusta Archer Lybrand, Elsie Archer Jones, Leon Archer, Nelson Archer, H.E. Archer, Jr. and Manning S. Rogers, on both the direct index and the indirect index of the record thereof.

(5) That the guardian ad litem in this cause is awarded the sum of \$100.00 as payment for his services as guardian ad litem. The same to be taxed as part of the costs herein.

(6) That plaintiffs pay the costs of these proceedings, for which let execution issue.

Done this the 4 day of ^{MAY} ~~April~~, 1981.

Robert R. Armstrong, Jr.
Judge


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Shelby Cnty Judge of Probate, AL
05/13/1981 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.
CLERK OF PROBATE
1981 MAY 13 PM 2:56

Rec'd H.50
Jud 1.00
S.50

Thomas P. Chambers, Jr.
JUDGE OF PROBATE

BOOK 40 PAGE 687