

LARRY M. SMITH and wife,
SANDRA HASSETT SMITH,
LADONNE KITCHENS and husband,
JOHN M. KITCHENS,

Plaintiffs,

vs.

Certain land and WID KIDD, et als,
Defendants.

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IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CASE NO. CV-81-24 (E)



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Shelby Cnty Judge of Probate, AL
06/03/1981 12:00:00 AM FILED/CERT

DECREE

936-37-38
This cause coming on to be heard on this the 25 day of May, 1981, is submitted for final decree upon Plaintiffs' verified complaint, upon the default judgment rendered herein and upon the testimony of Mrs. J. H. Kimbrough, taken orally before the Court on the 6th day of May, 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, Larry M. Smith and wife, Sandra Hassett Smith, Ladonne Kitchens and husband, John M. Kitchens, 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:

Commence at the Southeast corner of Section 28, Township 19 South, Range 2 East, Shelby County, Alabama, with a back site along the South boundary of Section 27 turn an angle of 22 deg. 38 min. to the right and proceed North 69 deg. 30 min. West for a distance of 373.5 feet to a point on the Southerly boundary of the Glaze Ferry Road; thence turn an angle of 44 deg. 15 min. to the left and proceed South 66 deg. 51 min. West along the Southerly boundary of said Road for a distance of 48.5 feet to the intersection with a 30 foot street; thence turn an angle of 90 deg. 54 min. to the left and proceed Southeasterly along the North-easterly boundary of said street for a distance of 560.8 feet, more or less, to the East boundary of Section 33 of said Township and Range; thence proceed North along the East boundary of said Section 33 for a distance of 255.6 feet to the point of beginning. The above described land is located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28 and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, Township 19 South, Range 2 East, Shelby County, Alabama, and contains 2.1 acres.

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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.

Third: That their said complaint was and is duly verified, and was filed against Wid Kidd, or, if deceased, his heirs or devisees, 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 Probate Judge 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.

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Ninth: That all of the allegations of fact 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.

(3) That the plaintiffs are the owners of said lands as described above 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.

(4) 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 name of Larry M. Smith, et al, vs. Wid Kidd, 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 \$50.00 as payment for his services as such 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 25 day of May, 1981

Charles E. Molden
JUDGE

STATE OF ALABAMA
I CERTIFY THIS
DOCUMENT WAS FILED

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Shelby Cnty Judge of Probate, AL
06/03/1981 12:00:00 AM FILED/CERT

Thomas W. Lawrence, Jr.
JUDGE OF PROBATE

FILED IN OFFICE THIS THE _____ DAY
OF MAY 25 1981, 19 _____

Rec. 5.50
Ind. 1.00
6.50

Kyle Laney

Clerk of Circuit Court
Shelby County, Alabama