

JESSIE JONES and LOIS JONES,

Plaintiffs,

vs.

A parcel of land described as follows: All Block 7; Block 8, Except the East 150 feet of said Block; Block 11, Except the East 150 feet of said Block; All of Blocks 12 and 13, all according to Map of Shelby Highlands as recorded in Probate Office of Shelby County, Alabama, excepting highway right of way, situated in Shelby County, Alabama; JAMES GRAHAM BROWN FOUNDATION, INC., a corporation; TRAVELERS INSURANCE COMPANY, a corporation; TRAVELERS INSURANCE CO., INC., a corporation; HIWASSEE LAND COMPANY, a corporation; EDWARD W. LEACH; the heirs or devisees of Mary Bryant Leach, deceased; the heirs or devisees of Charlie Robinson, deceased; the heirs or devisees of John S. Storrs, deceased; the heirs or devisees of Mrs. C. A. Carter, deceased; and such persons and the heirs or devisees of such persons, if deceased, who, unknown to the plaintiff claim or are reputed to claim any title to or interest in, or lien or encumbrance on said lands or any part thereof, and all claimants, persons, associations, or corporations who, unknown to the plaintiff claim or are reputed to claim an interest in or to the above described property or any part thereof,

Defendants.

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. CV-80-374(E)

BOOK 333 PAGE 595

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the plaintiffs' verified complaint, the answer of the guardian ad litem raising the general issue, the answer of the defendants filing answer, the testimony under oath of the plaintiff, Jessie Jones, and other witnesses heard in open court on June 10, 1981, and the pleading and proof as shown by the file in said cause, and the defendants James Graham Brown Foundation, Inc., a corporation, being present in open court by and through its attorney of record and the defendant, Edward W. Leach, being present in open court by and through his attorney of record, and the other

named served defendants in said cause being advised of the time and place for the said hearing but appearing not and failing to further defend said cause, the Court, considering only such proof and testimony as is relevant, material, competent and legal, finds the facts, states its conclusions and renders its decree as follows:

FINDINGS OF FACT

1. The plaintiffs, at the time of filing their verified complaint in this cause, claimed in their own right to own an absolute fee simple title to, and was in the actual, peaceable possession of, the lands described in the complaint as follows:

A parcel of land described as follows: All Block 7; Block 8, Except the East 150 feet of said Block; Block 11, except the East 150 feet of said Block; all of Blocks 12 and 13, all according to Map of Shelby Highlands as recorded in Probate Office of Shelby County, Alabama, excepting highway right of way; situated in Shelby County, Alabama.

2. At the time of filing of said complaint, no suit was pending to test the plaintiffs' title to, interest in, or right to possession of said lands.

3. Said complaint was and is duly verified, and was filed against said lands and against any and all persons, associations or corporations, claiming or reputed to claim any title to, interest in, lien or encumbrance on said lands or any part thereof, and was to establish the right and title to said lands, and to clear up all doubts and disputes concerning the same, and said complaint did in all respects comply with the provisions of the law.

4. The plaintiffs have exercised reasonable diligence to locate the whereabouts of defendants, Mary Bryant Leach, Charlie Robinson, John S. Storrs, Mrs. C. A. Carter, and have exercised reasonable diligence to ascertain with certainty whether said defendants are alive, but that after exercising such reasonable diligence, that the plaintiffs are unable to locate the whereabouts of said defendants or to ascertain with certainty whether they, or any of them, are alive, and if said defendants are deceased, to ascertain with certainty the names, ages, and addresses of their respective heirs or devisees and plaintiffs have exercised

reasonable diligence to ascertain with certainty the names of any other person, associations, firms or corporations who claim any title to, interest in or lien or encumbrance on said lands or any part thereof, but that the plaintiffs have been unable to ascertain with certainty the names of any such persons, associations, firms or corporations, except the above named defendants.

5. The plaintiffs, after exercising reasonable diligence, have been unable to ascertain and does not know the names, ages or whereabouts or mental capacities, of any parties defendant to this cause as set out hereinabove in paragraph 4, or whether any such parties are living or dead.

6. The plaintiffs and those through whom they claim have held color of title and have been in the actual and peaceable possession of said land for ten years immediately preceding the filing of the complaint in this cause, and no other person, association or corporation has had any possession of said lands or any part thereof during such period.

7. The plaintiffs and those through whom they claim have assessed said lands for ad valorem taxes for each of the five years next preceding the filing of the complaint in this cause, and have paid taxes becoming due thereon during each of such years, and no other person, association or corporation has assessed said lands or any part thereof or any interest therein or paid any taxes thereon during such years.

8. Notice of pendency of the complaint filed in this cause was drawn and signed by the Register of this Court, and said Register had such notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper published and having general circulation in Shelby County, Alabama, as prescribed by a rule of this Court or order made in this cause.

9. 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 Shelby County, Alabama.

10. More than sixty days have elapsed since the first publication of said notice and the filing of a certified copy of said notice in the Probate Office of Shelby County, Alabama.

11. No person, association, or corporation has intervened in this cause.

12. The guardian ad litem heretofore appointed to represent a

the defendants in this cause who are under the age of twenty-one years, incompetent, unknown or in the military service of the United States of America, accepted his appointment as guardian ad litem and filed an answer denying the averments of the complaint/^{and}demanding strict proof thereof, and said guardian ad litem was present at the taking of the necessary testimony and proof in open court in this cause and fully and adequately represented the interests of all minors, incompetents, unknown parties and parties in the military service of the United States of America, and no other defendant to this cause filing a pleading or answer to the complaint within the time allowed by law, and a default judgment was taken against such parties.

13. Each of the averments of fact in the complaint is true.

CONCLUSIONS OF LAW

1. This cause was properly brought as an in rem action against said lands.

2. This cause was also properly brought against said lands and James Graham Brown Foundation, Inc., a corporation; Travelers Insurance Company, a corporation; Travelers Insurance Co., Inc., a corporation; Hiwassee Land Company, a corporation; Edward W. Leach; the heirs or devisees of Mary Bryant Leach, deceased; the heirs or devisees of Charlie Robinson, deceased; the heirs or devisees of John S. Storrs, deceased; the heirs or devisees of Mrs. C. A. Carter, deceased; and such persons and the heirs or devisees of such persons, if deceased, who, unknown to the plaintiff claim or are reputed to claim any title to or interest in, or lien or encumbrance on said lands or any part thereof, and all claimants, persons, associations, or corporations who, unknown to the plaintiff claim or are reputed to claim an interest in or to the above described property or any part thereof.

3. All persons, associations or corporations who claim or are reputed to claim any title to, interest in or lien or encumbrance on said lands or any part thereof are properly before this Court and their claim of title to, interest in, or lien or encumbrance on said lands or any part thereof will be finally and conclusively determined by this decree.

-5-

DECREE

IT IS, THEREFORE, upon consideration of this Court,
ORDERED, CONSIDERED, ADJUDGED and DECREED by this Court as follows:

1. The plaintiffs are entitled to the relief prayed for in their complaint and the fee simple title claimed by plaintiffs in said lands has been duly proven.

2. The plaintiffs are the owners of the lands and have an absolute fee simple title thereto, free of all liens or encumbrances except the lien for undelinquent ad valorem taxes.

3. None of the defendants in this cause have any right, title interest, lien or encumbrance on said land or any part thereof.

4. A certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and be indexed in the name of Jessie Jones and Lois Jones, on both direct and indirect index of record thereof.

5. The guardian ad litem in this cause is awarded the amount of \$100.00 as payment for his services as such guardian ad litem, the same to be taxed as a part of the costs herein.

6. The Plaintiffs shall pay the costs of this proceeding, for which let execution issue.

DONE this 24 day of June, 1981.

Robert R. Montgomery
Circuit Judge

1981 JUN 25 AM 9:15

Rec. 1000
Ind. 100
1100

Certified a true and complete copy

Robert R. Montgomery
Clerk of Circuit Court

FILED IN OFFICE THIS THE 24th DAY
OF June, 1981

Kyle Sanford
Clerk of Circuit Court
Shelby County, Alabama