

Ruth Luck Gordon, aka
Mary Ruth Luck Gordon,
Plaintiff

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CASE NO. CV-88-664

VS.

W. J. Tinney; Sallie B.
Tinney; W. H. Boynton,
individually and as trustee;
John O. H. Rush; and their
Heirs, devisees, or succes-
sors, if deceased; and the
following described land:
the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the NW $\frac{1}{4}$
of SW $\frac{1}{4}$, both in Section 34,
Township 19 South, Range 1
East, Shelby County, Alabama;
and all parties who, unknown
to Plaintiff, claim an interest
in this real property,
Defendants



FINAL JUDGMENT

BOOK 233 PAGE 766
This cause coming on to be heard is submitted to the Court on the complaint, the default judgment against the named defendants, and the testimony taken and exhibits admitted in this cause. The Court finds that notice in this cause was published for four consecutive weeks, commencing on the 7th day of December, 1988, in the Shelby County Reporter a newspaper of general circulation published in the City of Columbiana, County of Shelby, State of Alabama.

The court further finds that more than sixty days have now elapsed since the first publication date described above.

The Court further finds that the Guardian Ad Litem, James Kramer, heretofore appointed to represent such of the defendants to this cause who are now under the age of nineteen years or incompetent or who are unknown to the plaintiff has accepted the appointment and did represent the interests of all minors, incompetents, and unknown persons, and that the other defendants to this cause have failed to answer the Complaint within the time allowed by law, and on entry default was taken against such parties on the 17th day of February, 1989, and that this cause is now at issue.

The Court further finds that all persons who could have a claim in or to the said real estate described in the Complaint are before this Court and that their interest therein, if any, will be finally and conclusively determined by this judgment.

The Court further finds that the plaintiff, at the time of filing this Complaint in this cause, claimed in her own right a fee simple title to and was in the actual, peaceable, notorious, adverse possession of the property described in the Complaint.

The Court further finds that the plaintiff and her predecessors in title have held color of title to said tract or parcel of land for a period in excess of ten (10) years next preceding the filing of the complaint in this cause and that she has paid taxes on the lands described in said Complaint during the whole of such ten (10) year period and that no other person has paid any taxes on said lands during any part of said period.

The Court further finds that the Complaint filed in this cause was duly verified and at the time said Complaint was filed there was no suit pending to test her title to, interest in, or right to the possession of such lands.

The Court further finds that the Complaint filed in this cause was duly verified and at the time said Complaint was filed there was no suit pending to test her title to, interest in, or right to the possession of such lands.

The Court further finds that the plaintiff has exercised due diligence to ascertain the facts with regard to unknown defendants. Upon consideration of all the evidence presented in this cause, the Court is of the opinion that all of the averments of the Complaint are true, and that plaintiff is entitled to the relief prayed for in her said Complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That all persons who could possibly have a claim in or to the real estate described in the Complaint in this cause are before the Court and that their interest therein is finally and conclusively determined by this Judgment.

2. That the plaintiff in this cause, Ruth Luck Gordon, is the owner of a fee simple title in and to the real estate described in the Complaint, which said real estate is located in the County of Shelby, State of Alabama, and is more particularly described as follows, to-wit:

The Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter, both in Section 34, Township 19 South, Range 1 East (SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 34, Township 19 South, Range 1 East)

3. That none of the defendants in this cause have any right, title, interest, claim, or encumbrance upon the real estate described in the said bill of Complaint and in the preceding paragraph.

4. That a Guardian Ad Litem in this cause be and he is hereby awarded a fee in the amount of \$450.00.

5. That the costs of this cause be taxed against the plaintiff against whom let execution issue.

6. That the Register of this Court file a certified copy of this Decree in the Probate Office of Shelby County, Alabama, the county in which the real estate above described lies and that the Probate judge index this judgment under the direct index of deeds in the following names: All of the named plaintiffs herein and under the reverse index of deeds under the name of all the named defendants herein.

Done this the 28th day of February, 1989.

D. Al Crowson
D. Al Crowson, Circuit Judge

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

89 APR -7 PM 12:15

Thomas A. Shumaker, Jr.
JUDGE OF PROBATE