

1196

CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

ALBERT L. ROMAN, VIRGINIA
A. ROMAN, PAUL H. COX, and,
SANDRA R. COX,

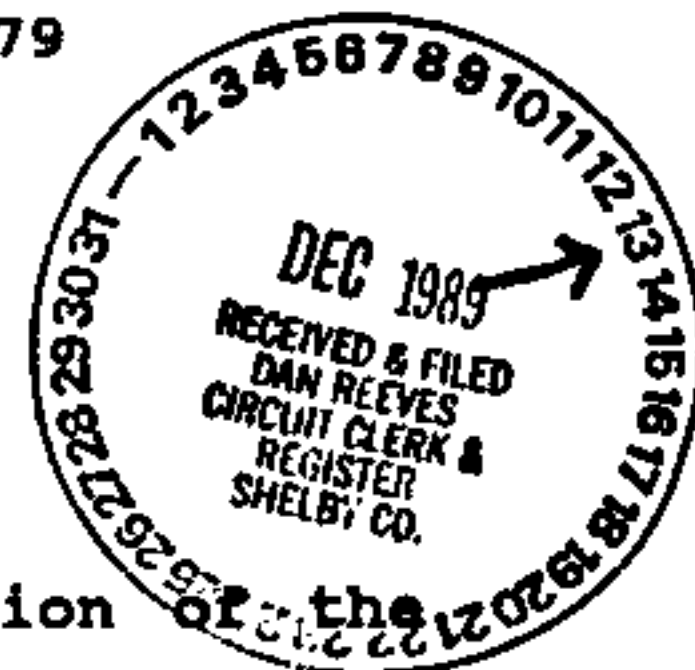
Plaintiffs,

v.

J.A. NUNNALLY, et al.,

Defendants.

Case No. CV-89-379



AMENDED FINAL JUDGMENT

Pursuant to Rule 60(a), A.R.C.P., and upon motion of the plaintiff to correct clerical errors in the judgment, the Court amends the Amended Final Judgment entered on October 24, 1989 and recorded at Real Book 268, page 381 and substitutes the following as its final judgment in this matter.

This is an action to quiet title to certain lands pursuant to Ala. Code, §§ 6-6-560, et seq. Upon consideration of the pleadings and the testimony of the plaintiffs taken in open court, the Court finds as follows:

1. Plaintiffs Paul H. Cox, and his wife, Sandra R. Cox claim fee simple title to the following described realty located in Shelby County, Alabama:

Four Acres in the form of a square in the NE corner of the SE 1/4 of the SE 1/4 of Section 36, Township 21 South, Range 4 West; being situated in Shelby County, Alabama.

Less and except the following:
One acre of land in the SE 1/4 of the SE 1/4 of section 36, Township 21 South, Range 4 West, Shelby County, Alabama, described as follows: Commence at the Northeast corner of said 1/4 1/4 Section; thence run West along the

North 1/4/ 1/4 line 267.00 feet to the point of beginning; thence continue last course 150.00 feet; thence turn left 88 deg. 16 min. 10 sec. and run South 235.26 feet to the Northeast right of way of Shelby County Highway No. 22; thence turn left 08 deg. 30 min. 15 sec. and run Southeast along said right of way 12.13 feet; thence turn left 98 deg. 53 min. 03 sec. and run East 252.12 feet; thence turn left 100 deg. 13 min. 54 sec. and run North 199.16 feet to the point of beginning; lying and being situated in Shelby County, Alabama.

Said lands are hereinafter described as Parcel 1.

2. Plaintiffs Albert L. Roman and Virginia A. Roman claim fee simple title to the following described realty located in Shelby County, Alabama:

One acre of land in the SE 1/4 of the SE 1/4 of section 36, Township 21 South, Range 4 West, Shelby County, Alabama, described as follows: Commence at the Northeast corner of said 1/4 1/4 Section; thence run West along the North 1/4/ 1/4 line 267.00 feet to the point of beginning; thence continue last course 150.00 feet; thence turn left 88 deg. 16 min. 10 sec. and run South 235.26 feet to the Northeast right of way of Shelby County Highway No. 22; thence turn left 08 deg. 30 min. 15 sec. and run Southeast along said right of way 12.13 feet; thence turn left 98 deg. 53 min. 03 sec. and run East 252.12 feet; thence turn left 100 deg. 13 min. 54 sec. and run North 199.16 feet to the point of beginning; lying and being situated in Shelby County, Alabama.

Said lands are hereinafter described as Parcel 2.

3. Plaintiffs' title to the two subject parcels is derived from a deed from the State of Alabama dated November 17, 1976.

4. Plaintiffs have owned Parcels 1 and 2 and have been in actual, peaceable possession of the lands and have held title to the lands for a period of 10 or more consecutive years next preceding the filing of this complaint and have paid taxes on the lands for said whole period and no other person has paid taxes during said whole period and no action is pending to test the title

BOOK 270 PAGE 819

of, interest of, or right to possession of, plaintiffs in the subject lands.

5. No other person has assessed or paid taxes on the Subject Lands during the 10 years next preceding the filing of the Complaint and thereafter to this date.

6. Notice has been properly given by publication to J. A. Nunnaly; the heirs, devisees or legatees of J. A. Nunnaly, if any; those subject lands described as Four Acres in the form of a square in the NE corner of the SE 1/4 of the SE 1/4 of Section 36, Township 21 South, Range 4 West; being situated in Shelby County, Alabama; and all persons claiming an interest in said lands or who have have paid taxes for said lands who or assessed said lands in their names. The Court finds that the best notice practicable has been provided and said notice is consistent with the Alabama Rules of Civil Procedure and the requirements of due process. Said defendants have failed to appear or otherwise plead and judgment by default has been entered.

Therefore, it is Ordered, Adjudged and Decreed that:

1. Plaintiffs Paul H. Cox and his wife Sandra R. Cox hold fee simple title to the following described realty:

Four Acres in the form of a square in the NE corner of the SE 1/4 of the SE 1/4 of Section 36, Township 21 South, Range 4 West; being situated in Shelby County, Alabama.

Less and except the following:

One acre of land in the SE 1/4 of the SE 1/4 of section 36, Township 21 South, Range 4 West, Shelby County, Alabama, described as follows: Commence at the Northeast corner of said 1/4 1/4 Section; thence run West along the North 1/4/ 1/4 line 267.00 feet to the point of beginning; thence continue last course 150.00 feet;

thence turn left 88 deg. 16 min. 10 sec. and run South 235.26 feet to the Northeast right of way of Shelby County Highway No. 22; thence turn left 08 deg. 30 min. 15 sec. and run Southeast along said right of way 12.13 feet; thence turn left 98 deg. 53 min. 03 sec. and run East 252.12 feet; thence turn left 100 deg. 13 min. 54 sec. and run North 199.16 feet to the point of beginning; lying and being situated in Shelby County, Alabama.

2. Plaintiffs Albert L. Roman and his wife Virginia A. Roman hold fee simple title to the following described realty:

One acre of land in the SE 1/4 of the SE 1/4 of section 36, Township 21 South, Range 4 West, Shelby County, Alabama, described as follows: Commence at the Northeast corner of said 1/4 1/4 Section; thence run West along the North 1/4/ 1/4 line 267.00 feet to the point of beginning; thence continue last course 150.00 feet; thence turn left 88 deg. 16 min. 10 sec. and run South 235.26 feet to the Northeast right of way of Shelby County Highway No. 22; thence turn left 08 deg. 30 min. 15 sec. and run Southeast along said right of way 12.13 feet; thence turn left 98 deg. 53 min. 03 sec. and run East 252.12 feet; thence turn left 100 deg. 13 min. 54 sec. and run North 199.16 feet to the point of beginning; lying and being situated in Shelby County, Alabama.

3. The claims of any other persons claiming an interest in the subject lands are denied and barred.

4. Costs are taxed as paid.

This 8th day of December, 1989.

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

89 DEC 19 AM 8:50

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

D. Al Crowson
D. Al Crowson
Circuit Judge

1. Deed Tax	\$	
2. [unclear]	\$	
3. [unclear]	\$	10.00
4. [unclear]	\$	4.00
5. [unclear]	\$	
6. [unclear]	\$	1.00
Total	\$	15.00