

2454

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

SCOTCH BUILDING & DEVELOPMENT  
CO., INC.,

Plaintiff,

vs.

PAULINE HICKLAND; et al.,

Defendants.

CIVIL ACTION NO. CV-91-99NJ

JUDGMENT

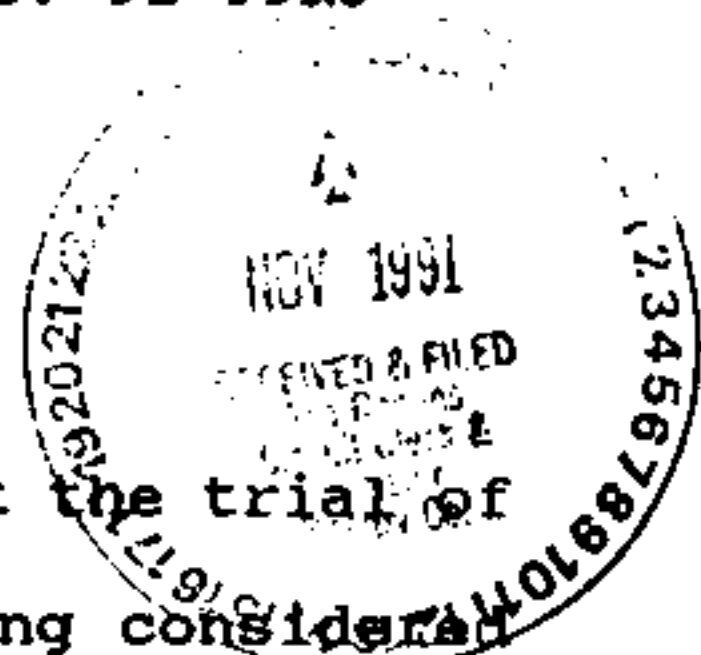
The Court having heard the evidence presented at the trial of this cause on November 7, 1991, ore tenus, and having considered the evidence, makes the following findings of fact, conclusions of law, and final orders:

1. Plaintiff Scotch Building & Development Co., Inc. is the fee simple owner of certain real property located in Shelby County, Alabama, more particularly described as: East 1/2 of Lot 12, Block 7, Lincoln Park Subdivision, Shelby County, Alabama.

2. The title of plaintiff Scotch Building & Development Co., Inc. is derived from a deed dated August 4, 1976, recorded in Deed Book 300, Page 197 in the Probate Office of Shelby County, Alabama from the State of Alabama to Joe Scotch, Sr., who is now deceased.

3. Title to the said real property passed through the Estate of Joe A. Scotch, Sr., who died in 1983.

4. On or about the 3rd day of March, 1988, Peggy P. Scotch Bailey and Joe A. Scotch, Jr., as Co-Executors under the Last Will



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Courtney Mason

and Testament of Joe A. Scotch, Sr., deceased, Shelby County Probate Case No. 23-280, deeded an undivided one-half interest in the said real property to Joe A. Scotch, Jr. and an undivided one-half interest in the said real property to Wayne J. Scotch by deed recorded in Real Book 173, Page 986 in the Probate Office of Shelby County, Alabama.

5. On or about the 5th day of January, 1990, Joe A. Scotch, Jr. and Wayne J. Scotch deeded all of their interest in the said real property to plaintiff Scotch Building & Development Co., Inc. by deed recorded in Real Book 286, Page 879 in the Probate Office of Shelby County, Alabama.

6. Joe A. Scotch, Sr., now deceased, the Estate of Joe A. Scotch, Sr., deceased, Joe A. Scotch, Jr., Wayne J. Scotch, and plaintiff Scotch Building & Development Co., Inc. have owned said real property and have been in peaceable possession of said real property and have held title to said real property for a period of ten (10) or more consecutive years preceding the filing of the complaint in this action and have paid taxes on the said real property for said whole period and no other person has paid taxes during said whole period and no action is pending to test the title of, interest of, or right to possession of plaintiff in the said real property.

7. No other person has assessed or paid taxes on the said real property during the ten (10) years next preceding the filing of the plaintiff's complaint in this action.

8. On or about the 21st day of May, 1973, the State of Alabama obtained title to the said real property pursuant to a sale for taxes then due from defendant Pauline Hickland.

9. After a reasonable and diligent inquiry, the whereabouts of defendant Pauline Hickland are unknown and the identity, whereabouts, and residences of any assigns, heirs, legatees or devisees of defendant Pauline Hickland, if deceased, are also unknown.

10. Defendant Pauline Hickland and the assigns, heirs, devisees, and legatees of defendant Pauline Hickland, if deceased, who are also defendants in this action, were served with notice of this lawsuit pursuant to Rule 4.3 of the Alabama Rules of Civil Procedure, by publication of legal notice in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, for four consecutive weeks in issues dated June 5, 1991, June 12, 1991, June 19, 1991 and June 26, 1991.

11. By order of the Court dated May 21, 1991, William F. Matthews was appointed as 'guardian ad litem, pursuant to Alabama Code §6-6-562, for the assigns, heirs, devisees or legatees of Pauline Hickland, if deceased, who are defendants in this action.

12. After a reasonable and diligent inquiry, William F. Matthews was unable to locate the whereabouts of defendant Pauline Hickland or the identities, whereabouts, and residences of the assigns, heirs, devisees, or legatees of Pauline Hickland, if deceased.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. The relief prayed for by plaintiff Scotch Building & Development Co., Inc. in its Bill of Complaint to Quiet Title, as amended, be and the same is allowed.

2. Scotch Building & Development Co., Inc is the true title owner of that certain real property located in Shelby County, Alabama, more particularly described as follows: East 1/2 of Lot 12, Block 7, Lincoln Park Subdivision, Shelby County, Alabama; and all right, title, and interest in and to said real property is hereby vested, without cloud or encumbrance, in plaintiff Scotch Building & Development Co., Inc.

3. The Court further finds that the defendants Pauline Hickland, whose whereabouts are unknown, and the assigns, heirs, devisees or legatees of Pauline Hickland, if deceased, whose identities, whereabouts, and residences are unknown, have no right, title, or interest in or to the said real property and any and all claims are hereby forever barred.

4. Pursuant to the provisions of Alabama Code § 6-6-571, the costs of this proceeding, including the fee of the guardian ad litem in the amount of \$300.00, which the Court finds to be a fair and reasonable amount for such services, are taxed to the plaintiff in this action.

DONE and ORDERED this 20<sup>th</sup> day of November, 1991.

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

91 DEC 20 PM 12:50

JUDGE OF PROBATE

D. Al Crowson  
JUDGE D. AL CROWSON  
PRESIDING CIRCUIT JUDGE  
SHELBY COUNTY, ALABAMA

1. Deed Tax	\$	
2. Mtg. Tax	\$	
3. Recording Fee	\$	10.00
4. Indexing Fee	\$	3.00
5. No Tax Fee	\$	1.00
6. Certified Fee	\$	1.00
Total	\$	15.00