

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

CAROLYN G. JONES)
GLADYS SIMMONS, BARBARA KIDD,)
AND RACHEL JONES,)

Plaintiffs,)

vs.)

JOHNNIE JONES HILL,)
GARLAND JONES AND)
GLENDA D. TAYLOR,)

Defendants.)

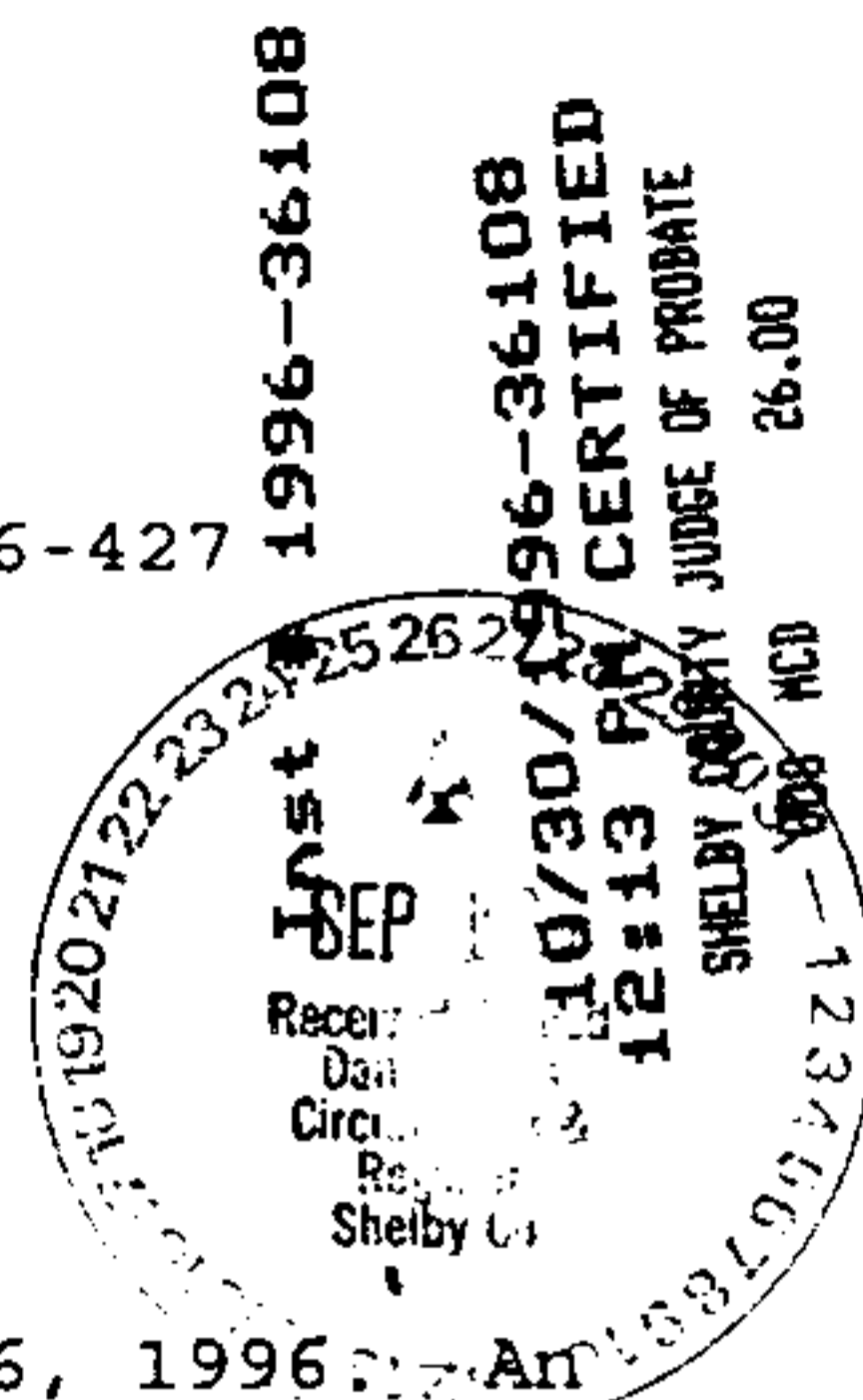
CASE NO. CV 96-427

ORDER

This matter came before the Court on September 16, 1996. An Entry of Default having been previously entered by the Clerk of Court against the Defendants, Johnnie Jones Hill and Garland Jones for failure to answer or otherwise appear or respond to the Bill to Quiet Title filed herein this matter was set before the Court for the presentation of testimony for a default judgment. Present in Court were the Plaintiffs along with their attorney of record Bruce M. Green and Mike Atchison, attorney of record for the Defendant Linda D. Taylor. The Court after having called the case proceeded to take testimony and consider the documentary evidence which is a part of the Court file. The Court having considered the evidence presented herein, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. The real property which is the subject of this case belonged to Theophilous Jones, Sr. who died a widower in the year 1962, leaving all of his five (5) children surviving him. Although, Theophilous Jones, Sr. left a Last Will and Testament, it was not probated and no administration was filed on his estate. The five (5) children and heirs of Theophilous, Jones, Sr. were Theophilous Jones, Jr., Gladys Simmons, Robert Jones, Johnnie Jones Hill and Garland Jones. Theophilous, Jones, Jr. died on April 22, 1995 and was survived by his wife, Carolyn G. Jones, one of the Plaintiffs in this case and his heir who takes his interest in the subject property. Robert Jones died in June of 1987 and is survived by his wife Rachel Jones, who takes his interest in the property which is the subject of this case.

2. The real property which is the subject of this case was deeded to Theophilous Jones by warranty deed dated September 1, 1906 and duly recorded in the Probate Court for Shelby County, Alabama. The Court would note that a portion of this property was previously conveyed by the heirs of Theophilous Jones, Sr. to Barbara Kidd by deed executed on or about July 31, 1970 and recorded at Book 264 Page 936 in the Probate Court for Shelby County, Alabama. Therefore, the real property which is the subject



Bruce Green

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of this case is the property obtained by Theophilous Jones, Sr. in the deed of September 1, 1906 less and except the property conveyed to Barbara Kidd said deed recorded at Book 264 Page 936 in the Probate Court for Shelby County, Alabama.

3. On July 17, 1995, Defendant, Garland Jones, executed a deed wherein he conveyed to Defendant, Glenda D. Taylor, his interest in a certain parcel of property. Said property is a portion of the property formally owned by Theophilous Jones, Sr. Said deed was recorded in the Probate Court for Shelby County, Alabama Instrument #1995-18862.

4. On or about November 15, 1995, Defendant Johnnie Hill conveyed by deed to Glenda D. Taylor her interest in the same parcel of property said deed being recorded in the Probate Court for Shelby County, Alabama Instrument #11-15-1995-33010.

5. The Court hereby finds that the property described in the deeds from Garland Jones and Johnnie Jones Hill to Glenda D. Taylor conveyed any and all interest which Johnnie Jones Hill and Garland Jones had in said property to Glenda D. Taylor. The Court further finds that Glenda D. Taylor is now the owner of an undivided two-fifths (2/5) interest in said property more specifically described as: Begin where the east line of the SW 1/4 of the SW 1/4 of Section 1, Township 21 South, Range 3 West intersects with the westerly R/W of 12th Avenue in Alabaster, Alabama; thence run Northerly along the east line thereof for 196.35 feet; thence 88 degrees 18 minutes 53 seconds left run Westerly for 250.14 feet; thence 90 degrees 00 minutes left run Southerly for 256.32 feet; thence 123 degrees 27 minutes 32 seconds left run Northeasterly for 42.68 feet; thence 84 degrees 42 minutes right run Southeasterly for 160.0 feet the westerly R/W of said 12th Avenue; thence 102 degrees 51 minutes 39 seconds left run Northeasterly along said R/W for 199.67 feet to the Point of Beginning. Located in Shelby County, Alabama. The Court further finds that Carolyn G. Jones, Gladys Simmons and Rachel Jones are each the owner of an undivided one-fifth (1/5) interest in said property.

6. The Court further finds that the action of Johnnie Jones Hill and Garland Jones willfully and intentionally created a cloud on the title to said property and further finds that their actions have necessitated the expenditure of attorney's fees and costs on behalf of the Plaintiffs in connection with this law suit in order to attempt to clear the title to said property. The Court further finds that the actions of Defendants Johnnie Jones Hill and Garland Jones have created a cloud on the title to the entire property formally belonging to Theophilous Jones, Sr. The Court further finds that Johnnie Jones Hill and Garland Jones have made no effort to respond to the Complaint filed herein, have filed no response

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to the pleading or other notice of appearance and have failed to appear in Court nor have they in any other way attempted to challenge the relief sought. Therefore, it is further ORDERED, ADJUDGED and DECREED that Johnnie Jones Hill and Garland Jones are hereby divested of any and all interest which they may have had or may have in the real property left by Theophilous Jones, Sr. as described in the deed dated September 1, 1906 which is attached hereto and made a part of this order as Exhibit "A" less and except the parcel of property previously conveyed to Barbara Kidd by deed recorded at Book 264 Page 936 in the Probate Court for Shelby County, Alabama a copy of which is attached hereto and made a part of this Order as Exhibit "B" and further less and except the parcel of property described above in this order which is now owned one-fifth (1/5) by Carolyn G. Jones, one-fifth (1/5) by Gladys Simmons, one-fifth (1/5) by Rachel Jones and two-fifths (2/5) by Glenda D. Taylor.

7. The Court would further note that by deed dated July 17, 1995 recorded as Instrument #1995-18870 in the Probate Court for Shelby County, Alabama, Garland Jones executed a deed purporting to grant to himself property described in the deed, a copy of which is attached hereto and made a part hereof as Exhibit "C". The Court further finds that the execution of this deed by Garland Jones willfully and intentionally placed an additional cloud on the property which formally belonged to Theophilous Jones, Sr. The Court as ordered above, specifically divests Garland Jones of any and all interest which he may have had or may have in this property.

8. The Court further finds that the actions of Defendants Johnnie Jones Hill and Garland Jones have resulted in the Plaintiffs Carolyn G. Jones, Gladys Simmons and Rachel Jones incurring damages in the amount of \$5,000.00. Judgment is hereby entered in favor of Carolyn G. Jones, Gladys Simmons and Rachel Jones against the Defendant Johnnie Jones Hill and against the Defendant Garland Jones for the sum of Five Thousand and No/100th Dollars (\$5,000.00) along with cost of court for which execution shall issue.

9. The Court further notes that Plaintiff, Barbara Kidd, withdrew any and all claims which she made in this Complaint to said property. The Court would further note that, although, this matter was set for default testimony against Defendants Johnnie Jones Hill and Garland Jones, the issues involving Defendant Glenda D. Taylor are also resolved by this order and this is and it is intended to be a final order disposing of any and all issues pending in this case.

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Done and Ordered this 25th day of September, 1996.

Al Al Crowson
D. AL CROWSON, JUDGE

KNOW ALL MEN BY THESE PRESENTS:

Beginning at a point one hundred and forty yds
North of the Capt. Mil. Company of the 1st Regt. Me.
Artillery the large tract of land, one
hundred and twenty (21) acres, more or less, more
than North line of land and about (140) yards
thence East - seventy (71 1/2) yards thence South
and West - 100 yds. thence West 87 1/2 yards to
point of beginning. Containing two and one half
acres. It is unimproved and covered with
brush. It is known as the right of way of light
on the Southern boundary of the said land of

situated in _____ County, Alabama. Theophilous Jones his
TO HAVE AND TO HOLD to the said _____ heirs and assigns, forever. And _____ do for _____ and _____ heirs, as
administrators, consent with said _____ heirs and assigns, that _____ be and _____ lawfully seized in fee simple
premises; that they are free from all encumbrances, and that _____ have a good right to sell and convey the same as aforesaid; that _____
and _____ heirs, executors and administrators shall warrant and defend the same to the said _____ Theophilous Jones
heirs, executors and assigns, forever, against the lawful claims of all persons.
IN WITNESS WHEREOF _____ we have hereunto set our hand and seal of, this _____ day of _____
WITNESSES:

THE STATE OF ALABAMA,
Shelby County.
 I, *Loring*, do hereby certify that
 in and for said County and State, hereby certify that
 whose name is *L. McLean N.P. & Co.*
 acknowledged before me on this day, that being informed of the contents of the conveyance, and who
 Given under my hand, this *1st* day of *Sept*, 1906, at *Prichard*, Alabama.

THE STATE OF ALABAMA,
County of Shelby
I, Lauranne Myers, do hereby certify that on the 1st day of Sept, 1906, I saw before me the wife of the within named J. F. McLane, known to me to be the wife of the within named J. F. McLane, who, being examined separate and apart from the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraints or threats on the part of the husband.
IN WITNESS WHEREOF, I hereto set my hand, this 1st day of Sept, A.D. 1906.

THE STATE OF ALABAMA,
County, _____
hereby certify that _____
before me this day, and, being sworn, stated that _____
the Grantor, voluntarily executed the same in his presence and in the presence of the other witnesses, and that each of the witnesses, at the time the same were executed, was the day the same being done; that he
the same in the presence of the Grantor, and of the other witnesses, and that each of the witnesses, at the time the same were executed, was the day the same being done; that he
Given under my hand, this _____ day of _____, 19____.

I HEREBY CERTIFY that the within Deed was received in this office for record on Dec 22 1910 at 2 o'clock P.M. and is in Deed Record, Vol. 49 page 45-6, Dec 23 1910 and enclosed.

Record Fee, \$

A. P. [Signature]

This instrument was prepared by
(Name) WALLACE & ELLIS, Attorneys

(Address) Columbiana, Alabama

Form 1-1-31 Rev. 1-66
WARRANTY DEED—Lawyers Title Insurance Corporation, Birmingham, Alabama

STATE OF ALABAMA }
SHELBY COUNTY } KNOW ALL MEN BY THESE PRESENTS:

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION
That in consideration of

to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we, Robert B. Jones & wife, Rachel Jones; Theophilus Jones & wife, Carolyn Jones; Johnnie J. Hill, a single woman; Rosie Gillispie, a widow; Gladys Simmons & husband, Richard Simmons, Garland Jones and wife, Loretta Jones

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

Barbara Kidd

(herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

From the NW corner of Section 12, Township 21 South, Range 3 West, run easterly along the north boundary line of said section for 899.29 feet to a point on the east right of way line of the Old U.S. 31 Highway; thence turn an angle of 40 deg. 41' 40" to the right and run southeasterly along the east R. O. W. line of the Old U.S. 31 Highway 55.3 feet to the point of beginning of the land herein described; thence continue southeasterly along the east R. O. W. line of said highway for 220.49 feet; thence turn an angle of 94 deg. 57' to the left and run northeasterly 151.82 feet; thence turn an angle of 74 deg. 49' to the left and run northwesterly 160.0 feet; thence turn an angle of 84 deg. 42' to the left and run southwesterly 186.37 feet to the point of beginning.

Being a part of the SW¹/₄ of the SW¹/₄ of Section 1, Township 21 South, Range 3 West and a part of the NW¹/₄ of the NW¹/₄ of Section 12, Township 21 South, Range 3 West and being 0.713 acres, more or less.

Subject to right of way of The American Telephone and Telegraph Company and all other instruments of record.

The grantors Garland Jones, Gladys Simmons, Rosie Gillispie, Johnnie J. Hill, Theophilus Jones and Robert B. Jones constitute all of the heirs of Steve Jars, Deceased.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEE, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEE, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hands(s) and seal(s), this 31 day of

day of 10 70
Robert B. Jones (SEAL)
Rachel Jones (Seal)
Theophilus Jones (Seal)
Carolyn Jones (Seal)
Johnnie J. Hill (SEAL)
(Johnnie J. Hill)

Rosie L. Gillispie (SEAL)
Gladys Simmons (Seal)
Richard Simmons (Seal)
Garland Jones (Seal)
Loretta Jones (SEAL)
(Loretta Jones)
General Acknowledgment

STATE OF ALABAMA
JEFFERSON COUNTY

I, the undersigned
hereby certify that Johnnie J. Hill
whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me

on this day, that, being informed of the contents of the conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 14 day of August

My Commission Expires April 4, 1972

a Notary Public in and for said County, in said State,
A. D., 1970
Notary Public.

DISTRICT OF COLUMBIA

General Acknowledgment

District

a Notary Public in and for said District

I, the undersigned
hereby certify that

Robert B. Jones and wife, Rachel Jones

whose name(s) are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day,
that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 3rd day of August A.D. 1970

Emory Sanford
Notary Public

My Commission Expires August 31, 1974

DISTRICT OF COLUMBIA

General Acknowledgment

District

a Notary Public in and for said District

I, the undersigned
hereby certify that

Theophilus Jones and wife, Carolyn

whose name(s) are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day,
that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30th day of July A.D. 1970

William A. Livingston Jr.
Notary Public

My Commission Expires Jan 14, 1971

STATE OF ALABAMA

Barbour

COUNTY

General Acknowledgment

a Notary Public in and for said County.

I, the undersigned
in said State, hereby certify that

Rosie Gillispie

whose name(s) is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day,
that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25th day of Aug. A.D. 1970

J. H. Livingston Jr.
Notary Public

This Form Provided By

SEND TAX NOTICE TO:

EXHIBIT "C"

SHELBY COUNTY ABSTRACT & TITLE CO., INC.

P. O. Box 752 - Columbiana, Alabama 35051
(205) 669-6204 (205) 669-6291 Fax(205) 669-3130(Name) Garland Jones(Address) 616 Peachtree StOK from office 44220

This instrument was prepared by

(Name) Mike T. Atchison, AttorneyPost Office Box 822(Address) Columbiana, Alabama 35051

Form 3-1-87 Rev. 1-86

WARRANTY DEED—Lawyers Title Insurance Corporation, Birmingham, Alabama

STATE OF ALABAMA

SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Five Hundred and no/100 DOLLARSto the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I
or we,Garland Jones, a single man

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

Garland Jones, a single man(herein referred to as grantee, whether one or more), the following described real estate, situated in
Shelby County, Alabama, to-wit:3 Acres on the East side of S $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 1, Township 21 South,
Range 3 West. Less and except the following described property:Begin where the East line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Township 21 South,
Range 3 West intersects with the Westerly r/w of 12th Avenue in Alabaster,
Alabama; thence run Northerly along the East line thereof for 196.35 feet; thence
88 degrees 18 minutes 53 seconds left run Westerly for 250.14 feet; thence 90
degrees 00 minutes left run Southerly for 256.32 feet; thence 123 degrees 27 minutes
32 seconds left run Northeasterly for 42.68 feet; thence 84 degrees 42 minutes right
run Southeasterly for 160.0 feet to the Westerly r/w of said 12th Avenue; thence
102 degrees 51 minutes 39 seconds left run Northeasterly along said r/w for 199.67
feet to the point of beginning.

According to survey of Thomas E. Simmons, LS#12945, dated July 14, 1995.

Garland Jones is the sole surviving son of Warren Theophilus Jones, deceased.

Inst # 1995-18870

07/17/1995-18870
03:52 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
JUL 17 1995

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEE,
their heirs and assigns, that I (we) lawfully seized in fee simple of said premises; that they are free from all encumbrances,
unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our)
heirs, executors and administrators shall warrant and defend the same to the said GRANTEE, their heirs and assigns forever,
against the lawful claims of all persons.IN WITNESS WHEREOF I have hereunto set my hands(s) and seal(s), this 17th
day of July, 1995

(Seal)

Garland Jones

(Seal)

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF ALABAMA

SHELBY COUNTY

General Acknowledgment

I, The undersigned authority, a Notary Public in and for said County, in said State,
hereby certify that Garland Jones
whose name is signed to the foregoing conveyance, and who is known to me, solemnly sworn before me
on this day, that, being informed of the contents of the conveyance he executed the same voluntarily
on the day the same bears date.Given under my hand and official seal this 17th day of July, A. D., 1995.

Notary Public.

07/17/1995-18870
Inst # 1995-18870
10/30/1996-36108
12:13 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE