

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CIVIL ACTION NO.: CV-96-839

GERALD W. BOOTHE,

Plaintiff,

vs.

PARCEL II:

Certain real property described as Commence at the northwest corner of the SW 1/4 of the NW 1/4 of Section 15, Township 20 South, Range 3 west, Helena, Shelby County, Alabama and run thence easterly along the north line of said quarter-quarter section a distance of 415.66' to a steel pin corner and the point of beginning of the property being described; Thence continue along last described course 602.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. right and run southerly a distance of 265.15' to a steel pin corner on the north right of way line of the CSX Railroad Right of Way; Thence turn 75 deg. 11 min. 17 sec. right and run west-southwesterly along said railroad right of way a distance of 149.98' to a steel pin corner; Thence turn 104 deg. 48 min. 43 sec. right and run northerly a distance of 94.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. left and run westerly a distance of 457.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. right and run northerly a distance of 210.00' to a point of beginning;

And

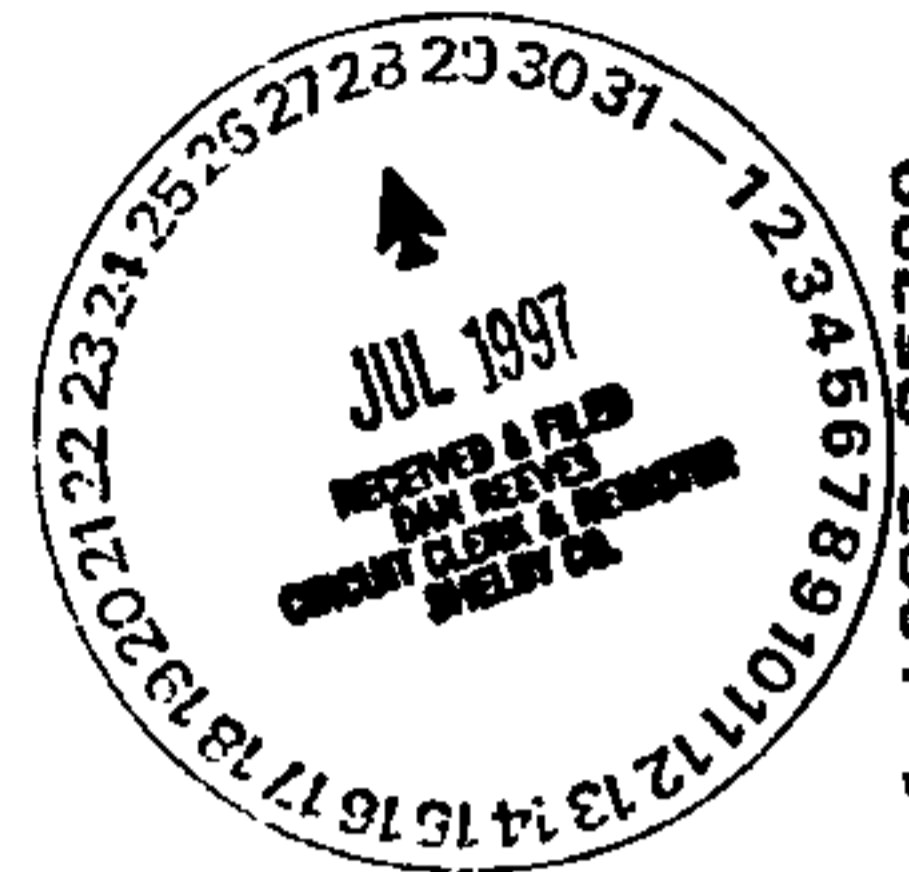
C. T. DAVIDSON, his heirs or devisees, if deceased, et al.;

Defendants.

JUDGMENT AS TO PARCEL II

THIS CAUSE CAME TO BE HEARD on the 2nd day of July, 1997. Present in Court at the hearing were plaintiff GERALD W. BOOTHE and his attorney, Honorable JAMES W. FUHRMEISTER, Honorable ROY JOHNSON, guardian ad litem. Honorable RALPH E. COLEMAN appeared on behalf of defendants RALPH E. COLEMAN, TRENYON H. GAMBLE and DAVID ROYAL.

08/13/1997-25708
10:38 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MCD 19.50



8052-2661 # 1997-25708 Inst # 1997-25708

**GERALD W. BOOTHE vs. A PARCEL OF LAND IN THE SW 1/4 OF THE NW 1/4 OF SECTION 15,
TOWNSHIP 20 SOUTH, RANGE 3 WEST, HELENA, SHELBY COUNTY, ALABAMA**
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Upon consideration of the verified complaint, including facts verified relative to service by publication, prior orders prescribing and directing notice to the defendants and appointment of guardian ad litem, the lis pendens recorded in the records in the Office of the Judge of Probate of Shelby County, Alabama, proof of publication of notice of pendency of this proceeding, answer of the guardian ad litem appointed by the Court and of defendants RALPH E. COLEMAN, TRENYON H. GAMBLE, and DAVID ROYAL, denying all of the allegations of the complaint, and oral testimony taken in open court, the Court makes the following as findings of fact, among other things:

1. That plaintiff GERALD W. BOOTHE, at the time of the filing of the complaint in this cause, claimed in his own right the fee simple title to and was in actual peaceable possession of the following described lands:

Certain real property described as Commence at the northwest corner of the SW 1/4 of the NW 1/4 of Section 15, Township 20 South, Range 3 west, Helena, Shelby County, Alabama and run thence easterly along the north line of said quarter-quarter section a distance of 415.66' to a steel pin corner and the point of beginning of the property being described; Thence continue along last described course 602.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. right and run southerly a distance of 265.15' to a steel pin corner on the north right of way line of the CSX Railroad Right of Way; Thence turn 75 deg. 11 min. 17 sec. right and run west-southwesterly along said railroad right of way a distance of 149.98' to a steel pin corner; Thence turn 104 deg. 48 min. 43 sec. right and run northerly a distance of 94.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. left and run westerly a distance of 457.00' to a steel pin corner; Thence turn 89 deg. 47 min. 58 sec. right and run northerly a distance of 210.00' to a point of beginning.

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2. That at the time of the filing of the complaint, no suit was pending to test plaintiff's title to, interest in, or the right to the possession of said land.

3. That plaintiff's complaint was duly verified, and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such lands or interest, and to clear up all doubts or disputes concerning the same, and that said complaint did in all respects comply with the provisions of §6-6-561 Code of Alabama, 1975.

4. That service of process was had in strict compliance with the provisions of § 6-6-564 Code of Alabama, 1975 and Rule 4.3, Ala. R. Civ. P., and the Court finds as a fact that plaintiff exercised diligence to ascertain all of the facts in regard to the names of proper parties defendants.

5. That notice of the pendency of said complaint was issued by the Court and published once a week for four (4) consecutive weeks in the *Shelby County Reporter*, a newspaper having general circulation and published in Shelby County, Alabama.

6. That a copy of said notice, certified by the Court as being correct, was recorded as a lis pendens in the Office of the Judge of Probate of said county, said notice being in compliance with § 35-4-131, Code of Alabama, 1975.

7. That it has been more than thirty (30) days since the last publication of said notice and the filing of a certified copy of said notice in the Office of the Probate Judge of Shelby County.

8. That defendants RALPH E. COLEMAN, TRENYON H. GAMBLE, and DAVID ROYAL filed an answer denying all of the allegations of the complaint; and that, except for these defendants,

no person has intervened in this case except that the Honorable ROY JOHNSON, appointed by the Court herein as guardian ad litem for interest of infant, lunatic, and unknown parties in the proceeding has appeared herein, denied the allegations of the complaint, demanded strict proof thereof, and examined the entire file in this proceeding, including the testimony on behalf of the plaintiff.

9. That all of the allegations of fact contained in the complaint are true; that there was proper service of process on all of the defendants named in the complaint.

10. That the defendants named in the complaint contained all names known to plaintiff after the exercise of diligence, and that all of the defendants were represented in this proceeding by guardian ad litem except those that had filed answers or as to whom default judgment had been entered after proper service of process.

11. That the plaintiff complied with all of the provisions of law relative to this proceeding in rem to establish title to land. It is therefore,

ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is entitled to the relief prayed for in the complaint and that the fee simple title claimed by the plaintiff in and to the above described lands has been duly proved, and that the plaintiff is the owner of said lands and has a fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that his title thereto be and is hereby established, and that all doubts and disputes concerning same be and the same are hereby cleared up. It is further

ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree

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be-recorded in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the name of the plaintiff herein, in both the direct index and indirect index of the records thereof.

It is further

ORDERED, ADJUDGED AND DECREED by the court that the Honorable HARRY LYON be and he is hereby awarded a fee of \$300.00 for his services as guardian ad litem in this proceeding, to be taxed as part of the costs herein, to be paid by the Clerk of this Court to him on payment of such costs. It is further

ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff herein pay the costs of the proceedings, for which execution may issue.

Done this 28th day of July, 1997.

Al AlCrawson
CIRCUIT JUDGE

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