

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA
IN EQUITY

ANNIE MAE CUNNINGHAM,

PLAINTIFF,

VS.

EUGENE ROBINSON, et al.,

DEFENDANTS.

CIVIL ACTION NUMBER:

CV-99-604



FINAL DECREE

This cause coming on to be heard on the 14th day of March, 2000, is submitted for final decree upon the Plaintiff's Motion for Summary Judgment, with supporting Affidavit and Memorandum of Law, and upon the pleadings and proof as noted. It appears to the satisfaction of the Court:

1. That the Plaintiff, Annie Mae Cunningham, at the time of the filing of her verified complaint in this cause, claims in her own right a fee simple title to and was in actual peaceable possession of the following described land, lying in Shelby County, Alabama, and more particularly described as follows:

Part of the Southwest quarter of Northeast quarter of Section 1, Township 21, Range 3 West, Shelby County, Alabama, described as follows:

Beginning 70 yards North of the Southwest corner of said forty and run North 70 yards; thence East 70 yards; thence South 70 yards; thence West 70 yards to the point of beginning.

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SHELBY COUNTY JUDGE OF PROBATE

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Less and except that portion of the above described property sold to the State of Alabama for road right of way as recorded in Deed Book 274, page 416, in the Probate Office of Shelby County, Alabama.

Also the following described property:

Commence at the Southwest corner of the Southwest quarter of the Northeast quarter of Section 1, Township 21 South, Range 3 West; thence run Northerly along the East line thereof for 420.00 feet; thence $90^{\circ} 0' 0''$ right run Easterly for 210.00 feet to the point of beginning; thence continue along the last described course for 48.81 feet to the Northwestern right of way line of U.S. Highway 65; thence $119^{\circ} 0' 52''$ right run Southwesterly along said right of way for 100.64 feet to a point 210 feet East of the West line of said quarter-quarter section; thence $150^{\circ} 59' 8''$ right run Northerly and parallel to the aforesaid West line of said quarter-quarter section for 88.01 feet to the point of beginning.

2. That at the time of the filing of the said Complaint, no suit was pending to test the Plaintiff's title to, interest in, or the right to the possession of said land.
3. That Plaintiff's said Complaint was and is duly verified and was filed against said land and against any and all persons claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, and was to establish the right of title to such land or interest, and to clear all doubts or disputes concerning the same, and that said Complaint did in all respects comply with the provisions of Code of Alabama, 1975, § 6-6-561, and the law of Alabama.
4. That the named Defendants are EUGENE ROBINSON, and his heirs or devisees, if deceased; ELVIE D. ROBINSON and her heirs or devisees, if deceased; KATHERINE UNDERWOOD and her heirs or devisees, if deceased; MARY A. UNDERWOOD and her heirs or devisees, if deceased; and MARY ELLISON and her heirs or devisees, if deceased. The names of

none of the other parties Defendant were known to the Plaintiff and she exercised diligence to ascertain the facts with regard thereto.

5. That notice of pendency of said Complaint was drawn and signed by the Register of this Court and said Register did have such notice published once a week for four consecutive weeks in The Shelby County Reporter, a newspaper having general circulation and published in Shelby County, Alabama, as prescribed by rules of this Court, and the law in such cases made and provided.

6. That it has been more than sixty (60) days since the first publication of said notice, and no person has intervened or appeared in this cause, except for the appearance of the Guardian Ad Litem appointed by the Court.

7. That the allegations of fact contained in the Plaintiff's complaint are all true.

8. That Honorable Donna Beaulieu was appointed Guardian Ad Litem by this Court to represent the interest of the unknown claimants or parties and any minors or incompetents, if any there be, and has made the appropriate appearance in this cause. It is, therefore,

ORDERED, ADJUDGED and DECREED:

A. That Plaintiff is entitled to the relief prayed for in her Complaint and that the fee simple title claimed by Plaintiff in the above described lands has been duly proven.

B. That the Plaintiff is the owner of said lands and has a fee simple title thereto, free of all liens and encumbrances, and that Plaintiff's title thereto be and is hereby established, and that all doubts and disputes concerning the same be and are hereby cleared up.

C. That the Honorable Donna Beaulieu, Guardian Ad Litem in this cause, be allowed a fee of \$300.00, same to be taxed as part of the Court costs in this cause.

D. That a certified copy of this decree be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the name of Annie Mae Cunningham, on both the direct index and indirect index of the records thereof.

E. That Plaintiff pay the costs of these proceedings for which let execution issue.

DONE and ORDERED this the 20th day of March, 2000.


CIRCUIT JUDGE

Certified a true and correct copy
Date: March 23, 2000

Mary H. Harris ph
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

Inst # 2000-09320

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