

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

NETTIE L. HUGHES

and

JAMES H. HUGHES

Plaintiffs,

vs.

Lots 4, 5, 6, 7 and 8, Block 192, according to
J.H. Dunstan's Map of Calera, Alabama.
Situating in Shelby County, Alabama,

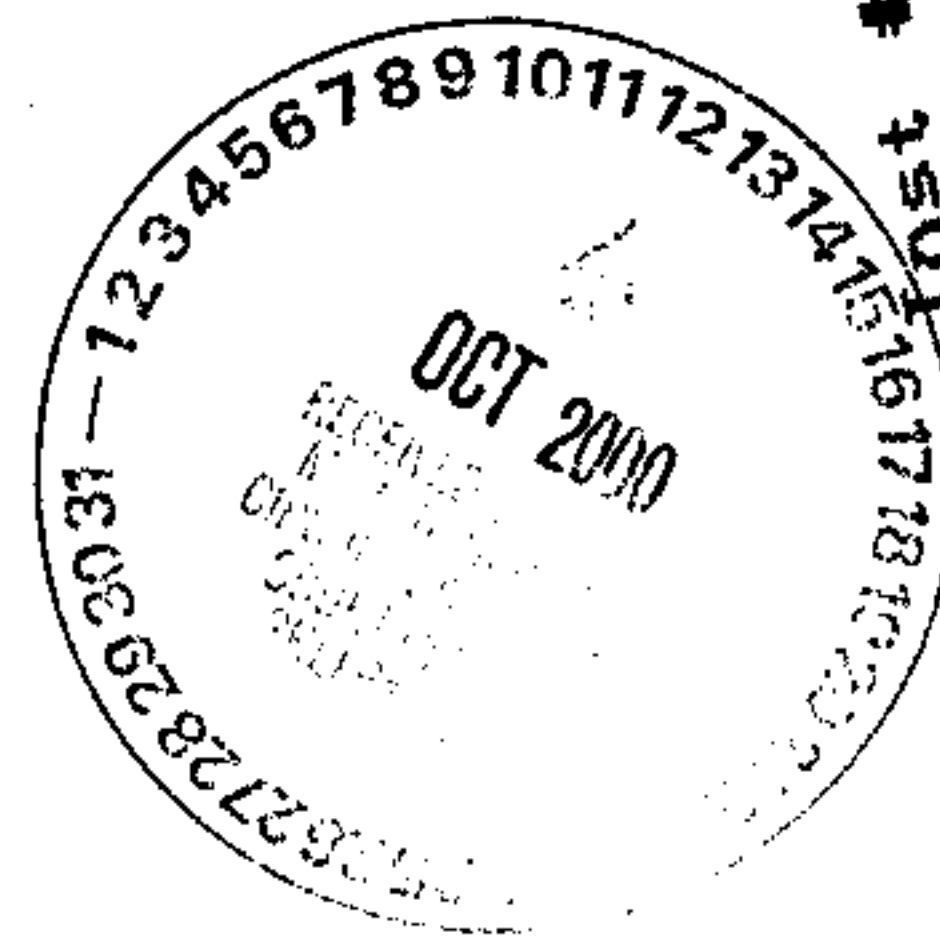
vs.

Calera Southeast, Inc., Annie L. Brooks,
and all other persons claiming any present,
future, contingent, remainder, reversions, or other
interests in said lands,

Defendants.

CIVIL ACTION NO

CV 2000-418



12/29/2000-45598
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SHELBY COUNTY JUDGE OF PROBATE

JUDGMENT

This cause came on to be heard on the 10th day of October, 2000. 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, default judgment against Calera Southeast, Inc., and Annie L. Brooks, the answer of the guardian ad litem appointed by the Court, 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 Nettie L. Hughes and James H. Hughes, at the time of the filing of the complaint in this cause, claimed in their own right the fee simple title to and was in actual peaceable possession of the following described lands:

Lot 4, Block 192 of J. H. Dunstan's Map of Calera, Alabama. Situating in Shelby County, Alabama.

2) That James H. Hughes, 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:

Lots 5,6,7 and 8, Block 192, according to J. H. Dunstan's Map of Calera, Alabama.
Situating in Shelby County, Alabama.

3) 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.

4) 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 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 the Code of Alabama, 1975, Section 6-6-561.

5) That service of process was had in strict compliance with the provision of the Code of Alabama, 1975, Section 6-6-564 and Rule 4.3 of Alabama Rules of Civil Procedure, 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.

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

7) 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 the Code of Alabama, 1975, section 35-4-131.

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

9) That no person has intervened in this case, except that the Honorable Larry Newman, 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.

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 answer and waivers 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 and in personam 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 Plaintiffs in and

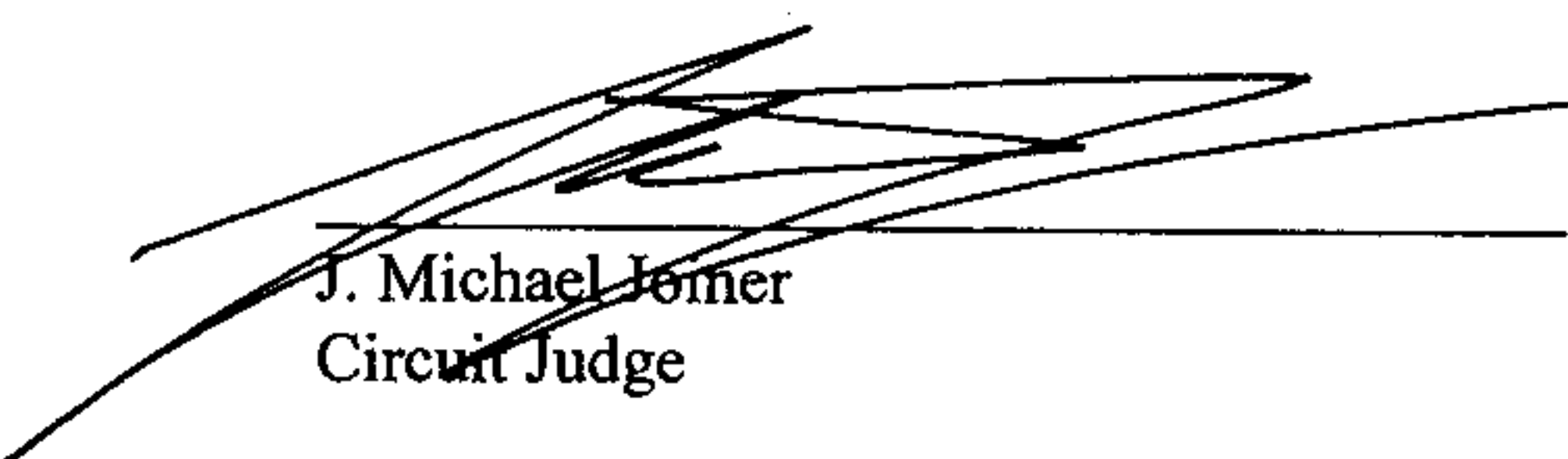
to above described lands has been duly approved, and that Plaintiff is the owner of said lands and has a fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that their title thereto be and is hereby established, and that all doubts and disputes concerning the 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 be recorded in the Office of the Judge of Probate of Shelby County, Alabama, and that it be indexed in the names of the Plaintiffs 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 Larry Newman be and is hereby awarded a fee of Five Hundred Dollars (\$500.00) for his services as guardian ad litem in this proceeding, to be taxed as a part of the costs herein, to be paid by the Clerk of this Court to him (her) on payment of such costs. It is further

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

Done this 10th Day of October, 2000.


J. Michael Jomer
Circuit Judge

Inst # 2000-45598

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