

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

CIVIL ACTION NO.: CV-04-361

Booker T. Dubose and Sarah R. Dubose, individuals,

Plaintiffs,

v.

Certain Real Property more particularly described in plaintiffs' Complaint as Parcels I, II, III & IV;

And

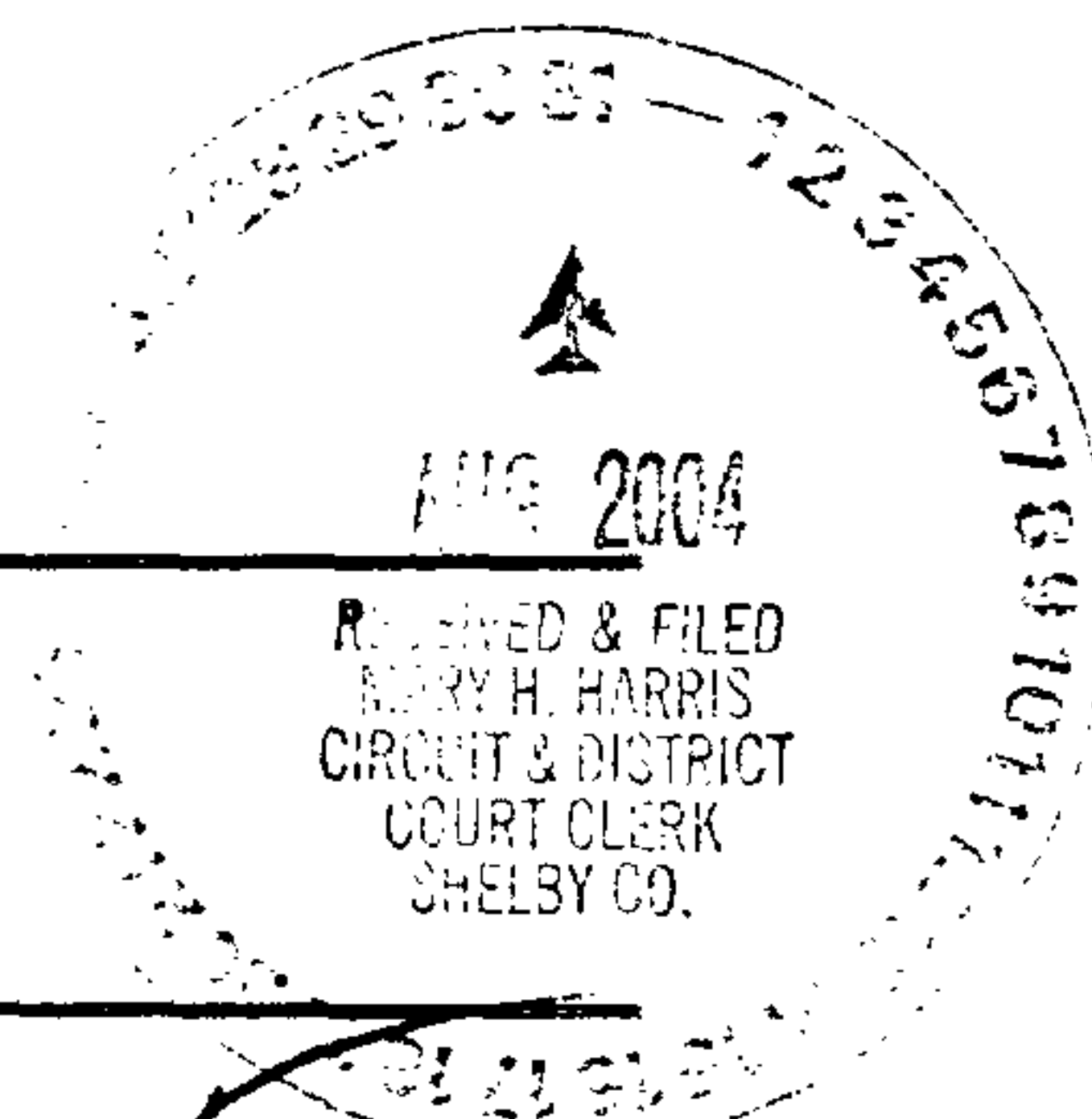
LOYD O. ROBINSON, his heirs or devisees, if deceased; MAUDE ROBINSON, her heirs or devisees, if deceased; SARA MAUDE ROBINSON, her heirs or devisees, if deceased; CARRIE LEE SKIPPER, her heirs or devisees, if deceased; MAUD ROBINSON, her heirs or devisees, if deceased; and "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M", being those persons and the heirs or devisees of those persons, if deceased, who, unknown to the Plaintiffs, claim or are reputed to claim, any title to or interest in, or lien or encumbrance on said lands or any part thereof, and all claimants, persons, associations, partnerships, or corporations who, unknown to the Plaintiffs, claim or are reputed to claim an interest in or to the above described real property or any part thereof.

Defendants.

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FINAL JUDGMENT

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THIS CAUSE CAME TO BE HEARD on the 31<sup>st</sup> day of August, 2004.

Present in Court were the plaintiffs and their attorney, James W. Fuhrmeister, and Vonda Felton, *Guardian ad litem*.

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, and report of the *Guardian ad litem* appointed by the Court,

Jim Fuhrmeister

the Court makes the following as findings of fact, among other things:

1. That plaintiffs at the time of the filing of the complaint in this cause, claimed in their own right the fee simple title to and were in actual peaceable possession of the following described lands:

Parcel I:

Begin at the Northeast corner of Section 19, Township 22, Range 2 West; thence South along the section line 200.4 feet to the North side of the Spring Branch Gravel Road; thence Northwesterly along said road 281.8 feet; thence North and parallel with the section line 400 feet; thence East to the section line (approx. 208.0 feet); thence South along the section line to the point of beginning.

Parcel II:

Begin at a point on the Section line 400 feet North of the Southeast corner of Section 18, Township 22, Range 2 West; thence North along said section line, to the Northeast corner of the SE 1/4 of SE 1/4 of Section 18, Township 22, Range 2 West; thence continue North along said section line a distance of 500 feet; thence West to a point on the northerly line of property formerly sold to Raven Griffin in the NE 1/4 of SE 1/4, Section 18, Township 22, Range 2 West; thence South to the North boundary line of the SE 1/4 of SE 1/4, Section 18, Township 22, Range 2 West; thence continue South along the East boundary line of Raven Griffin property to the North side of the Spring Branch Gravel Road; thence Southeasterly along said road to a point that is 208.0 feet West of the Southeast corner of Section 18, Township 22, Range 2 West; thence North and adjoining property sold to Carrie Lee Skipper, a distance of 400 feet; thence along North side of Carrie Lee Skipper property to the point of beginning.

Parcel III:

Begin where the Spring Branch Gravel Road intersects the West line of the E 1/2 of the E 1/2 of Section 18, Township 22, Range 2 West; thence run Southeasterly along the North side of the Spring Branch Road 800 feet for a point of beginning; thence North and parallel with West line of the E 1/2 of the E 1/2 of said Section 18, 1320 feet; thence Southeasterly and parallel with or following the curvature of the Spring Branch Gravel Road 700 feet; thence South and parallel with West line of the E 1/2 of the E 1/2 of Section 18, to the North side of the Spring Branch Gravel Road; thence Northwesterly along the North side of the Spring Branch Gravel Road 700



feet to the point of beginning.

Parcel IV:

Begin at the NW corner of Section 20, Township 22, Range 2 West; thence run Easterly along the North boundary line of Section 20, 630 feet; thence South and parallel with the West line of Section 20 to the North side of the Spring Branch Gravel Road; thence Northwesterly along the North side of the Spring Branch Gravel Road to the West Section line, Section 20, Township 22, Range 2 West; thence North along the West line of said Section 20 to the NW corner of Section 20, to the point of beginning.

2. That at the time of the filing of the complaint, no suit was pending to test plaintiffs' title to, interest in, or the right to the possession of said land.
3. That plaintiffs' 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 lands 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 the Alabama Rules of Civil Procedure, and the Court finds as a fact that plaintiffs 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 no person has intervened in this case except that Vonda Felton, 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, investigated and attempted to locate any and all persons who may claim an interest in the said real property, and examined the entire file in this proceeding. Ms. Felton has attempted to locate persons with an interest in the real property. Ms. Felton has informed the Court that she objects to entry of judgment in this matter.
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 plaintiffs after the exercise of diligence, and that all of the defendants were represented in this proceeding by *Guardian ad litem*.
11. That the plaintiffs 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 that the plaintiffs are entitled to the relief prayed for in the complaint and that the fee simple title claimed by the plaintiffs in and to

the above described lands has been duly proved, and that the plaintiffs are the owners of said lands and have 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 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 name 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 Vonda Felton be and she is hereby awarded a fee of \$ 500<sup>00</sup> for her services as *Guardian ad litem* in this proceeding, to be taxed as part of the costs herein. The plaintiffs shall pay said fee directly to Ms. Felton. 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 31<sup>ST</sup> day of August, 2004.

R. Al Gowan  
CIRCUIT JUDGE

