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Shelby Cnty Judge of Probate, AL
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FILED AND FILED
MARY H. HARRIS
MAY 22 2006
CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

EARL D. HANEY)

Plaintiff,)

v.)

CIVIL ACTION NO.: CV05-703

A parcel of land situated in the E 1/2 of the NW)
1/4 of Section 15, Township 20 South, Range 3)
West, Shelby County, Alabama, being a part)
of Lot 2, Block 20, as shown on the Joseph)
Squire's Map of the Town of Helena, being)
more particularly described as follows:)

BEGIN at the intersection of the West line of)
Lot 3, Block 20, of said Joseph Squire's Map)
of the Town of Helena with the Northerly)
Right-of-Way line of CSX Railroad; thence)
run in a Southwesterly direction along the)
Northwesterly line of said Right-Of-Way, on)
a bearing of S81°53'39"W, a distance of)
145.54 feet to the East line of Lot 1 of said)
Joseph Squire's Map; thence run to the right,)
along said East line of Lot 1, on a bearing of)
N00°42'22"W a distance of 523.99 feet to a)
point; thence run to the right, on a bearing of)
S89°43'58"E a distance of 144.35 feet to a)
point; thence run to the right on a bearing of)
S00°42'22"E, along the West line of said)
Lot 3, a distance of 502.80 feet to the Point)
of Beginning. Contains 1.701 acres, more or)
less.)

HEIRS AT LAW OF WILLIAM LEE,)
HEIRS AT LAW OF LULA LEE AND ANY)
AND ALL UNKNOWN PARTIES,)
INCLUDING ANY PERSONS CLAIMING)
ANY FUTURE, CONTINGENT,)
REVERSIONARY REAMINDER, OR)
OTHER INTEREST THEREIN, WHO MAY)
CLAIM ANY INTEREST IN THE ABOVE)
DESCRIBED PROPERTY,)

Defendants.)

ORDER

This cause coming on to be heard on this 2nd day of May, 2006, and being submitted for final
decree on the original verified complaint, including facts verified relative to service by publication, prior

order prescribing and directing notice to the Defendants and appointment of guardian ad litem, proof of publication of notice of pendency of this proceeding, default judgment against Defendants, answer of the guardian ad litem appointed by the Court, and oral testimony taken in open court, all of which is as noted by the circuit clerk.

And all of the following matters appearing to the satisfaction of the Court, the court makes the following as findings of fact, among other things:

1. That Plaintiff, at the time of the filing of his complaint in this cause, claimed in his own right the fee simple title to the above mentioned land. The Plaintiff and his predecessors in title have held color of title to said parcel for a period exceeding the ten (10) years next preceding the filing of this Complaint and no other person, firm or corporation has held color of title to said land or any part thereof during said period. Plaintiff and the predecessors in title have assessed said land for taxes and have paid taxes thereon during the ten (10) years next preceding the filing of this Complaint and no other person, associations or corporations have assessed said parcel or any part thereof or interest therein for taxes or paid any taxes thereon during the ten (10) years next preceding the filing of this Complaint.

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

3. That Plaintiff's said complaint was and is 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 respect comply with the provisions of Ala. Code § 6-6-561 (1975);

4. That service of process was had in strict compliance with the provisions of Ala. Code § 6-6-564 and Rule 4.3 of Ala. R. of Civ. P., as amended, 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 Defendant;

5. That notice of the pendency of said complaint was drawn and signed by the circuit judge, and

said court 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 an order made in this cause;

6. That it has been more than thirty days since the last publication of said notice;

7. That no person has intervened in this case except that Katherine Harrington, Esquire, 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 this complaint, demanded strict proof thereof, and examined the entire file in this proceeding, including the testimony on behalf of the Plaintiff;

8. 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;

9. 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 decrees pro confesso had been entered after proper service of process on all proper parties;

10. That the Complainants complied with all of the provisions of Division 2 of Article 12 of Chapter 6 of Title 6, of the Alabama Code (1975) as amended, 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 his complaint and that the fee simple title claimed by the Plaintiff in and to the above described lands, with the exceptions noted above, have been duly proved, and that the Plaintiff is the owner of said lands and has a simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that his title thereto be and is hereby adjudicated and established, and that all doubts and disputes concerning same be and the same are hereby cleared up;

And 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 Plaintiff herein, in both the direct index and indirect index of the records thereof;

And it is further ordered, adjudged and decreed by the Court that Katherine Harrington, Esquire, be and she is hereby awarded a fee of Five Hundred (\$500.00) Dollars for her 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 her on payment of such costs;

And it is further ordered, adjudged and decreed by the Court that the Plaintiff herein pay the costs of this proceeding for which execution may issue.

Ordered this 10th day of May, 2006.

H. Miller
Circuit Judge

I, Mary H. Harris, Clerk of the Circuit Court of Shelby County, Alabama, do hereby certify that the above and foregoing is a true copy of the final decree in the above proceeding, the original of said decreed being now on file in my office, and I further certify that the costs in said proceeding have been paid. Witness my hand and the seal of this Court this 29th day of August, 2006.

Mary H. Harris
Clerk of Circuit Court