

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

DON HANEY)

Plaintiff,)

v.)

CIVIL ACTION NO.: CV05-702

PARCEL I:)

A parcel of land situated in the SW ¼ of the)
NW ¼ of Section 15, Township 20 South,)
Range 3 West, Shelby County, Alabama,)
being more particularly described as follows:)

BEGIN at the Northeast corner of said quarter-)
quarter section; thence run in a Southeasterly)
direction along the East line of said quarter-)
quarter section, on a bearing of S00°08'55"E,)
a distance of 198.70 feet to a point on a curve,)
said point also being on the Northwesterly)
Right-of-Way of CSX Railroad; thence run to)
the right, along said Right-of-Way, and along)
the arc of said curve, having a radius of)
3027.09 feet, a central angle of 02°57'37", a)
chord length of 156.38 feet, a chord bearing)
of S80°26'27" West, an arc distance of 156.39)
feet to a point; thence, leaving said Right-of-)
Way, run to the right, on a bearing of)
N00°27'01"E, a distance of 228.88 feet to a)
point on the North line of said quarter-quarter)
section; thence run to the right, along said)
North line, on a bearing of S88°24'55"E, a)
distance of 151.95 feet to the Point of)
Beginning. Contains 0.749 acres, more or)
less.)

AND HEIRS AT LAW OF HECK DILLARD)
HEIRS AT LAW OF FANNIE DILLARD,)
AND JESSIE BRYANT AND OR THE)
HEIRS, AND DEVISEES OF JESSIE)
BRYANT, IF DECEASED, AND ANY AND)
ALL UNKNOWN PARTIES, INCLUDING)
ANY PERSONS CLAIMING ANY)
PRESENT INTEREST THEREIN AND)
INCLUDING ANY PERSONS CLAIMING)
ANY FUTURE, CONTINGENT,)
REVERSIONARY, REMAINDER, OR)
OTHER INTEREST THEREIN, WHO MAY)
CLAIM ANY INTEREST IN THE ABOVE)
DESCRIBED PROPERTY:)

RECEIVED AND FILED
MARY H. HARRIS
OCT 06 2006
CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.



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Shelby Cnty Judge of Probate, AL
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PARCEL II:

A parcel of land situated in the SW ¼ of the
NE ¼ of Section 15, Township 20 South,
Range 3 West, Shelby County, Alabama,
being more Particularly described as follows:

Commence at the intersection of the West line
of said quarter-quarter section with the
Southerly Right-of-Way line of CSX Railroad;
thence run in a Northeasterly direction along
the Southwest line of said Right-of-Way, on
a bearing of N82°20'36"E, a distance of
342.65 feet to a point; thence run to the right,
on a bearing of S00°27'06"E, a distance of
73.13 feet to the Point of Beginning; thence
run the left, on a bearing of S58°29'15"E a
distance of 211.00 feet to a point; thence run
to the right, on a bearing of S00°27'06"W, a
distance of 211.00 feet to a point; thence run
to the right, on a bearing of N58°29'15"W a
distance of 211.00 feet to a point; thence run
to the right, on a bearing of N00°27'06"E a
distance of 211.00 feet to the Point of
Beginning. Contains 0.876 acres, more or
less.

AND HEIRS AT LAW OF BELL NUNN;
AND RUDOLPH B. HUNDLEY, RICHARD
JAMES HUNDLEY AND JESSIE
HUNDLEY AND/OR THEIR HEIRS AND
DEVISEES, IF DECEASED, AND ANY
AND ALL UNKNOWN PARTIES,
INCLUDING ANY PERSONS CLAIMING
ANY PRESENT INTEREST THEREIN AND
INCLUDING ANY PERSONS CLAIMING
ANY FUTURE, CONTINGENT,
REVERSIONARY, REMAINDER, 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 29th day of August, 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, the proof of publication of notice of pendency of this proceeding, default judgment against Defendants, 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, 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. Plaintiff acquired subject property by certificate of purchase from the state of Alabama and received tax deeds thereto. That Plaintiff has, for three (3) years from the dates he became entitled to demand said tax deeds, exercised sufficient acts of ownership, dominion and control of said property to constitute exclusive adverse possession thereof. No other persons, associations or corporations have been in possession of said land or any part thereof during said period. Plaintiff has assessed said land for taxes and has paid taxes thereon since the time of acquisition and no other persons, associations or corporations have paid taxes or attempted to redeem said property.

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 to 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 land 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 Ala. Code § 40-10-82 (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 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 strict accord and compliance with the Ala. Code § 35-4-131 (1975);

7. 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 Probate Judge of said County;

8. That no person has intervened in this case except that William R. Justice, 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;

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 answer and waivers or as to whom decrees pro confesso had been entered after proper service of process on all proper parties;

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 land, with the exceptions noted above, have been duly proved, and that the

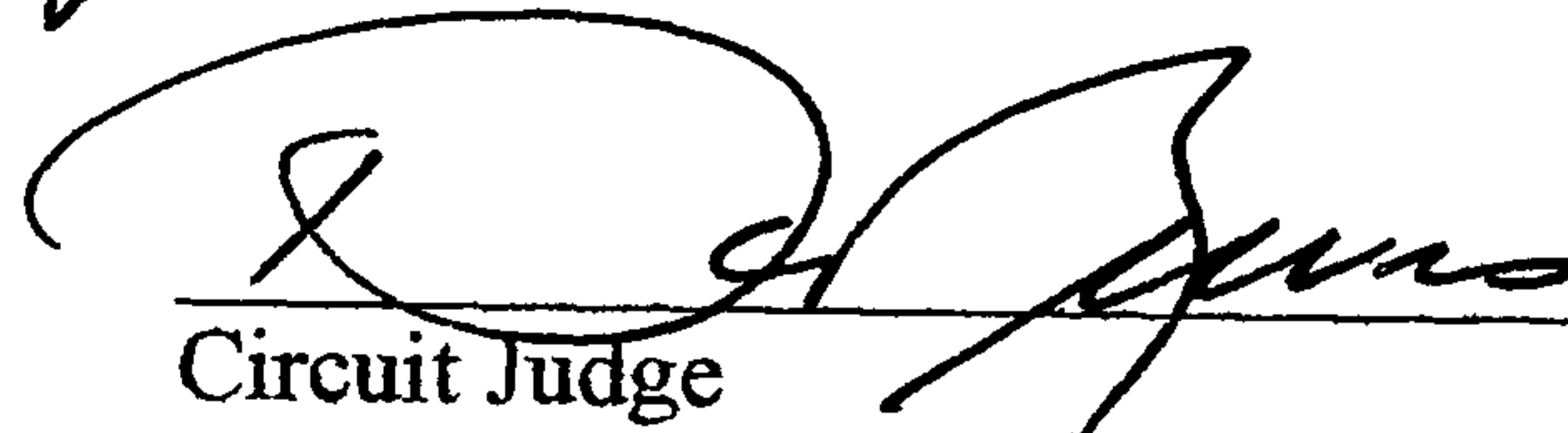
Plaintiff is the owner of said land and has a simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that his title thereto be and is hereby adjudicated and established, and that all doubts and disputes concerning same be and the same are hereby cleared up;

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 William R. Justice, Esquire, be and he is hereby awarded a fee of Five Hundred (\$500.00) Dollars 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 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 18th day of September, 2006.


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 March, 2006. 2007


Clerk of Circuit Court