

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**KAREN DAVIS,
a/k/a KAREN STRYKER,**

Plaintiff,

v.

Case No.: CV-2008-900165

**The following described property:
Lot 20, Block 3, Cedar Cove, Phase III,
as recorded in Map Book 10, Page 34,
in the Probate Office of Shelby County,
Alabama, situated in Shelby County,
Alabama.**

**Personally against Franklin Dean Smith,
Diane W. Smith, William M. Cumberland,
Linnie A. Cumberland, Franklin Properties,
and all of their heirs, assigns, devisees,
and beneficiaries, if deceased, whose
addresses are unknown to the Plaintiff,
and any and all unknown parties,
including any persons claiming
any interest therein, or who may claim any
interest in above-described property.**

Defendants.

**RECEIVED AND FILED
MARY HARRIS**

JAN 28 2009

**CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO**

FINAL JUDGMENT

This matter having come before the Court for Final hearing on December 10, 2008, ad being present for said hearing was the Plaintiff, Karen Davis a/k/a Karen Stryker, and her attorney of record, and Defendant, Linnie A. Cumberland, and her attorney of record, and the previously appointed GAL, Honorable Vonda Lou Felton, and the parties presenting argument and testimony, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

Karen Davis a/k/a Karen Stryker v. The Following Described Property, et al
In the Circuit Court of Shelby County, Alabama
Case Number: CV-2008-900165
FINAL JUDGMENT
Page 2 of 5

1. This cause came to be heard by the Court on the Plaintiff's Verified Complaint asking that the title to the herein below described real property be vested in the Plaintiff, both *in personam* and *in rem*, under the provisions of Sections 6-6-540, *et seq.*, and 6-6-560, *et seq.*, of the Code of Alabama 1975, as amended:

2. That the Plaintiff, Karen Davis a/k/a Karen Stryker, at the time of the filing of its verified Complaint in this cause, claims in its 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 particular described as follows:

Lot 20, Block 3, Cedar Cove, Phase III, as recorded in Map Book 10, Page 34, in the Probate Office of Shelby County, Alabama.

3. 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 of the possession of said land.

4. That the 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 land, or any part thereof, and was to establish the right of title to such land or interest, and declare all doubts or disputes concerning the same, and that said Complaint did in all respects comply with the provisions of the law of Alabama.

5. That the named Defendants are Franklin Dean Smith, Diane W. Smith, William M. Cumberland, Linnie A. Cumberland and Franklin Properties, Inc.; and all of their heirs, assigns, devisees, and beneficiaries, if deceased, whose addresses are unknown

Karen Davis a/k/a Karen Stryker v. The Following Described Property, et al
In the Circuit Court of Shelby County, Alabama
Case Number: CV-2008-900165
FINAL JUDGMENT
Page 3 of 5

to the Plaintiff. The names of none of the other parties Defendants were known to the Plaintiff, and it has exercised diligence to ascertain the facts with regard thereto.

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

7. That a copy of said notice, certified by the Clerk as being correct, was recorded as a *Lis Pendens* in the Office of the Probate Judge of Shelby County, Alabama.

8. That it has been more than sixty (60) days since the publication of said notice and filing of the certified copy of the notice in the Office of the Judge of Probate in Shelby County, Alabama.

9. That no person has intervened or appeared in this cause other than the Defendant, Linnie A. Cumberland.

10. That the allegations of fact contained in the Plaintiff's Complaint are all true.

11. That The Honorable Vonda Lou Felton was appointed Guardian *Ad Litem* by this Court to represent the minor Defendants, the unknown Defendants, or persons of unsound mind, and all of their heirs, assigns, devisees, and beneficiaries.

12. That the Plaintiff has proven to the Court its chain of title to said land and that she has exercised and demonstrated her possession and ownership of the subject land

Karen Davis a/k/a Karen Stryker v. The Following Described Property, et al
In the Circuit Court of Shelby County, Alabama
Case Number: CV-2008-900165
FINAL JUDGMENT
Page 4 of 5

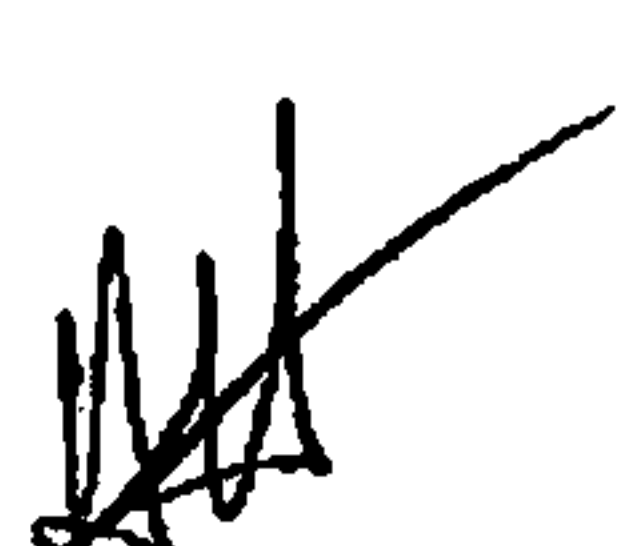
required by the law of this State to establish title to same.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

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

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

C. That the interests of all Defendants are hereby extinguished and held for naught, and the title in and to the above-described property is established in the Plaintiff against the said Defendants, and *in rem* against the above-described property and against any and all persons whomsoever, known or unknown, claiming any title to, interest in, or lien or encumbrance upon said real property, or any part thereof.

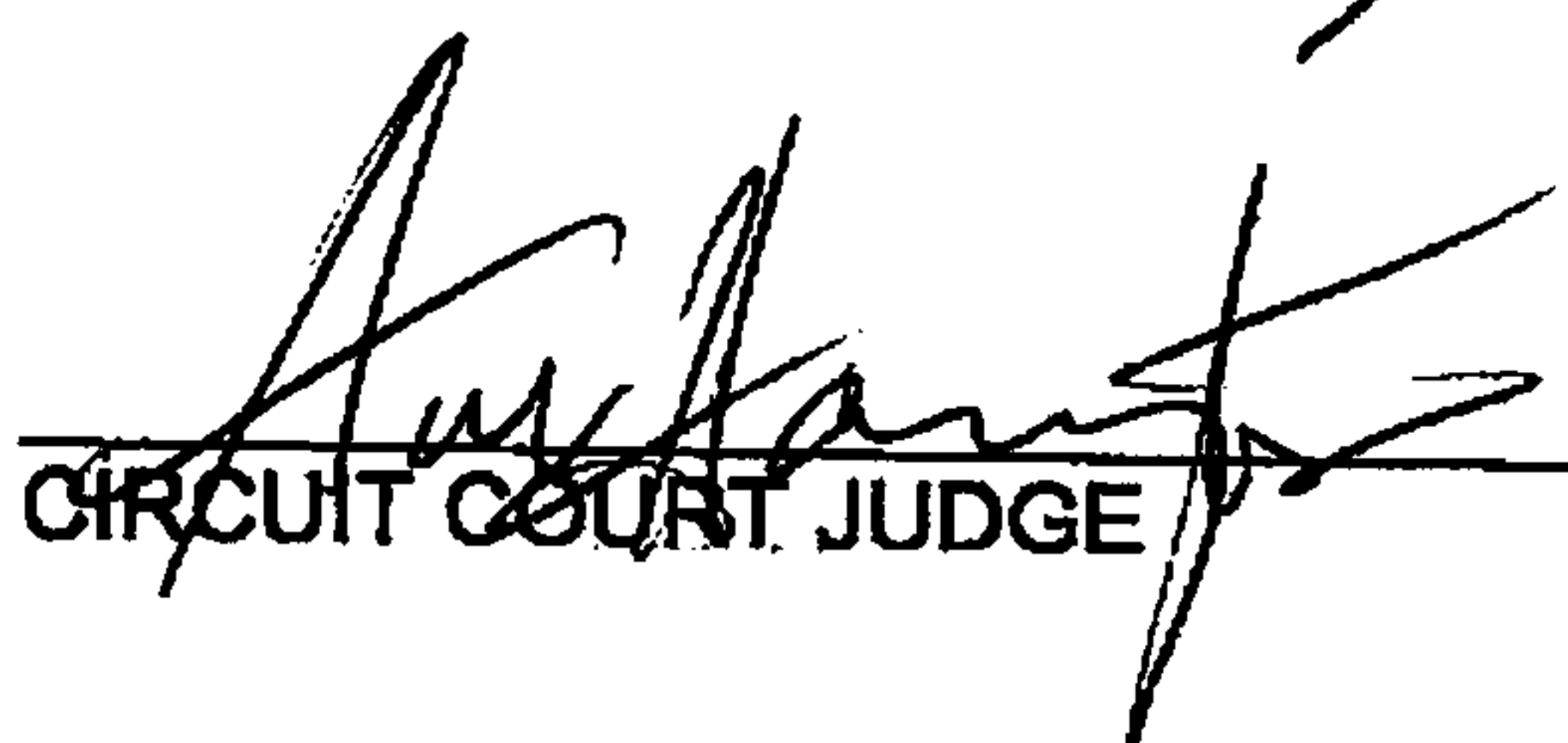
D. That The Honorable Vonda Lou Felton, Guardian *Ad Litem* in this cause, is hereby awarded the sum of \$ 500⁰⁰, for serving as such Guardian *Ad Litem* for any and all minors, unknown persons, and persons of unsound mind, which said amount is to be paid directly by Plaintiff to the said Vonda Lou Felton. 

Karen Davis a/k/a Karen Stryker v. The Following Described Property, et al
In the Circuit Court of Shelby County, Alabama
Case Number: CV-2008-900165
FINAL JUDGMENT
Page 5 of 5

E. That upon receipt of the funds taxed as costs in this case, which shall include recording fees, the Clerk of this Court shall certify copies of this Judgment and record same in the Office of the Judge of Probate of Shelby County, Alabama, and the same shall be indexed in the same book and in the same manner in which Deeds are recorded and said Judgment shall be indexed in the name of the Defendants against whom this relief is granted in the direct index and in the name of the Plaintiff, Karen Davis a/k/a Karen Stryker, in quiet possession of the land in the reverse index.

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

DONE AND ORDERED this the 23rd day of January, 2009.


CIRCUIT COURT JUDGE

2-19-09
Mary H Harris JCL