

POOR QUALITY



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CV-2008-900796.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT FOR THE EIGHTEENTH JUDICIAL CIRCUIT
SHELBY COUNTY, ALABAMA
CIVIL DIVISION

Freedom Land Developers, LLC,

Plaintiff,

vs.

Case Number CV-08-900796.00

JEWEL HTS LOT 1-3, BLK 5, BK 3 PG 23)

SEC 09, T22S, R2W SD355X2801RR,

Tax Parcel I.D.#28-2-09-0-001-048)

et al.,)

Defendants.)



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Shelby Cnty Judge of Probate, AL
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ORDER

THIS CAUSE came to be heard on the 11th day of May, 2010, and being submitted for final decree on the original verified complaint, including facts verified relative to service by publication; the prior order prescribing and directing notice to the Defendants and the appointment of a guardian ad litem; notice of pendency of the complaint in the lis pendens records in the Office of the Judge of Probate of Shelby County, Alabama; proof of publication of notice of pendency of this proceeding; answer of the guardian ad litem appointed by the Court, denying all of the allegations of the complaint; and the 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:

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1. That Freedom Land Developers, LLC, at the time of the filing of its complaint in this cause, claimed in its own right the fee simple title to and was in actual, open and notorious, exclusive of others, hostile and under claim of right, and continuous possession of the following described lands:

PARCEL I:

JEWEL HTS LOT 1-3, BLK 5, BK 3, PG 23, SEC 09, T22S, R2W, SD355X2801RR BEAT 3.

Said property being the same as conveyed in that certain State of Alabama tax deed dated June 10, 2005, and recorded June 17, 2005, as instrument #20050617000298180, in the Probate Office of Shelby County, Alabama. TAX PARCEL I.D. #28-2-09-0-001-048.000

PARCEL II:

Beg at NE Cor of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec 9 T22S R2W, Th W 210, S 210, N 250 to POB.

Said property being the same as conveyed in that certain deed dated November 7, 2005, and recorded November 16, 2005, as instrument #20051116000598090, in the probate office of Shelby County, Alabama. TAX PARCEL I.D. #28-2-09-0-001-050.000

PARCEL III:

Commence at the SE corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, Township 22 South, Range 2 West, and run North 105 feet to the Point of Beginning; thence continue North along the East boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section, a distance of 315 feet to a point, being the NE corner of Eva Owens property; thence West parallel with the North boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ 210 feet; thence South parallel with the East boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, being along the West boundary of said Owens land, 315 feet to a point; thence East parallel with the South boundary of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, 210 feet to the point of beginning. PARCEL TAX I.D. #28-2-09-0-001-054.000

PARCEL IV:

Lot 9 and the north 50 feet of Lot 8, according to Map and Survey of Jewel Heights, being a sub-division of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 9, Township 22, Range 2 West; situated and lying in Shelby County, Alabama. TAX PARCEL I.D. #28-2-09-0-001-055.000

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 filed to establish the right or title to such lands or interest, and to resolve all doubts or disputes concerning the same, and that said complaint did in all respects comply with the provisions of Ala. Code §6-6-561 (1975);



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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 the 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 Shelby county, said notice being in strict accord and compliance with 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 Shelby County;

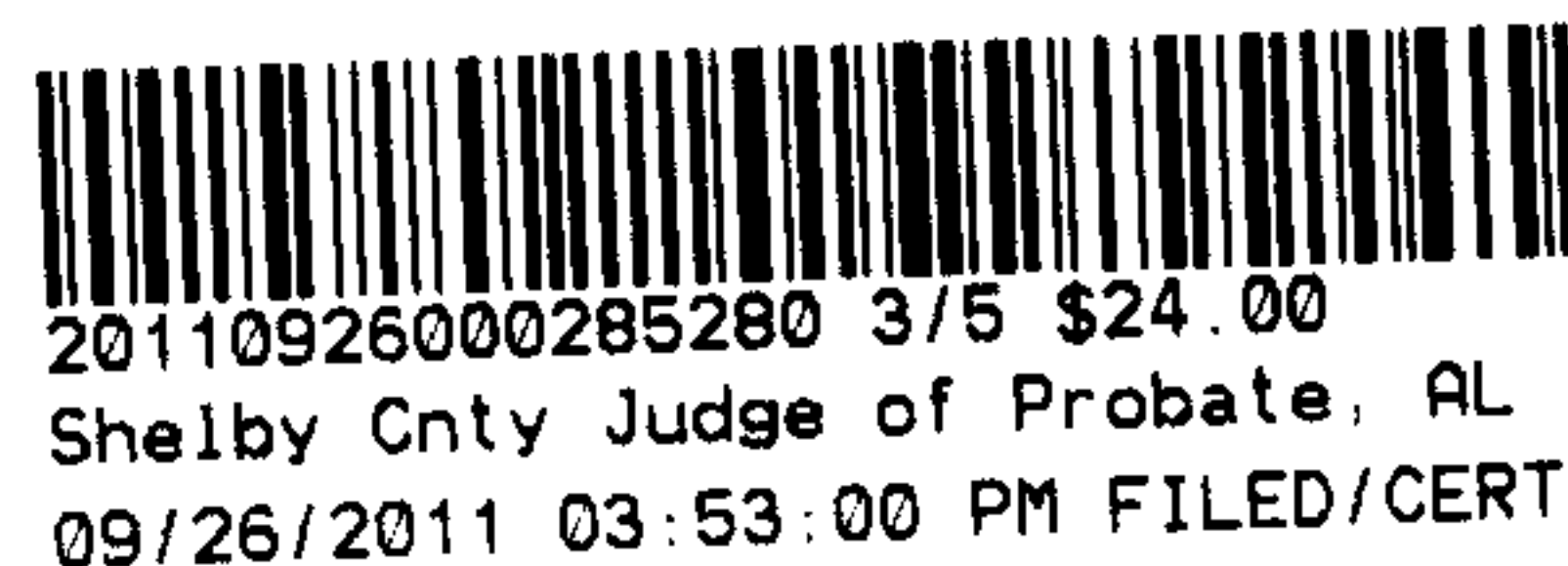
8. That no person has intervened in this case except that William R. Justice, Esquire, appointed by the Court herein as guardian ad litem for the interests of any infant, lunatic, and unknown parties in the proceeding has appeared herein, denied the allegations of this complaint, demanded strict proof thereof, and examined the entire file in this proceeding, including the testimony given 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 the Plaintiff after the exercise of diligence, and that all of the Defendants were represented in this proceeding by guardian ad litem except those that filed an answer and waivers or as to whom decrees pro confesso had been entered after proper service of process on all proper parties;

11. 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 its 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 fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that their title thereto be and is hereby adjudicated and established, and that all doubts and disputes concerning same be and the same are hereby resolved;


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 the indirect index of the records thereof;

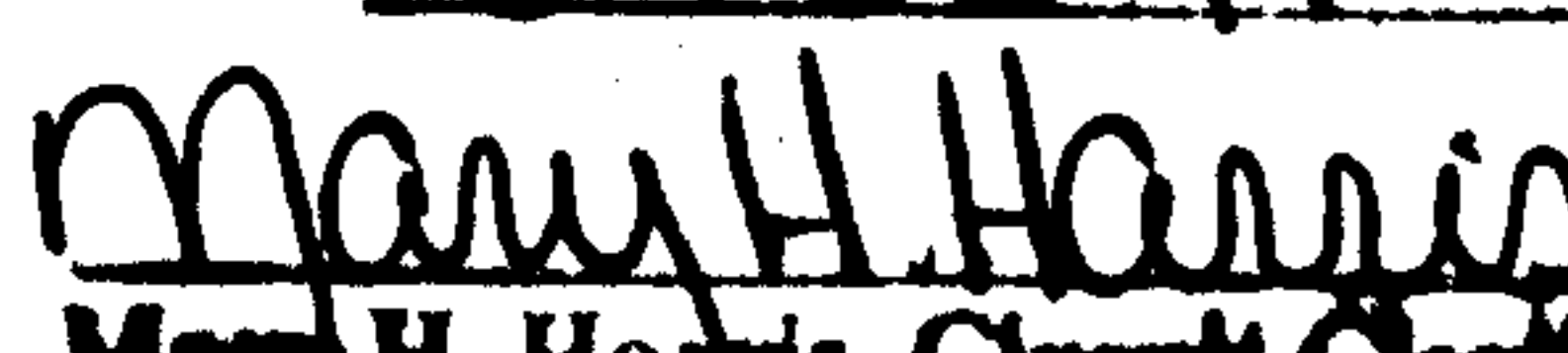

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that William R. Justice, Esquire, be and he is hereby, awarded a fee of \$1600⁰⁰ for his services as guardian ad litem in this proceeding, to be taxed as a part of the costs herein, to be paid by the Clerk of this Court to him, on payment of such costs;

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiffs herein pay the costs of this proceeding, for which execution may issue.

Done this 26th day of May, 2010


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Shelby Cnty Judge of Probate, AL
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Circuit Judge

Certified a true and correct copy
Date: 09-26-11

Mary H. Harris, Circuit Clerk
Shelby County, Alabama 

State of Alabama)
) ss.
County of Shelby)

I, _____, 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 decree 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 on this _____ day of May, 2010.

Clerk of Circuit Court



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