DOCUMENT 7

DOCUMENT 1

Certified a true and correct copy
Date: 12-15-16
Mary H. Harris
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

| | | |
|---|---|---|
| APRIL ADAMS,<br>Plaintiff,<br><br>v.<br><br>ANY AND ALL MINERALS AND MINERAL RIGHTS, IN, ON OR ATTACHED TO 374 COPPERHEAD ROAD, MAYLENE, AL 35114<br><br>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,<br>Defendants. | ) | Case No.: CV16-321 |

RECEIVED AND FILED
MARY H. HARRIS
AUG 04 2016
CIRCUIT & DISTRICT CLERK
SHELBY CO.

20161215000457120 1/10 $42.00
Shelby Cnty Judge of Probate, AL
12/15/2016 10:13:19 AM FILED/CERT

## BILL TO QUIET TITLE

COMES NOW Plaintiff April Adams ("Plaintiff") and respectfully shows unto this Honorable Court as follows:

1. This action is brought pursuant to Alabama Code 1975 § 6-6-560 *et seq.* whereby Plaintiff is and has been since 25 October 2011 in actual, peaceable possession of any and all Minerals and Mineral Rights ("Minerals") located in, on or attached to the following described Property ("Property"), the same Property described in the caption to this Complaint, claiming to own the same outright an undivided interest in said Minerals, said Property being better described in "Exhibit A" attached hereto and incorporated herein;

2. That Plaintiff purchased the Property, without any reservation or severance of Minerals, by Warranty Deed dated 25 October 2011 with said deed being recorded on 1 November 2011 as Instrument Number 20111101000326440 in the Probate Court of Shelby County, Alabama;

3. That Plaintiff has at all times since purchasing the Property been in actual, peaceable possession of the Property and Minerals; specifically, Plaintiff has built a barn, a primary residence, roads, put in utilities and has paid all taxes on the Property since purchasing;

4. That Plaintiff has, since purchasing the Property, employed the services of Alabama Title Co., Inc., an Alabama Incorporated Business, to conduct a Mineral Title Abstract to determine the ownership rights of the Minerals;

5. That Alabama Title Co., Inc. was able to follow the chain of title to the Property from the original transferring deed in the year 1840 to Plaintiff's present ownership, there being one (1) gap period whereby transferring instrument is unaccounted for, see attached "Exhibit B" attached hereto and incorporated herein;

6. That said Mineral Title Abstract revealed all Minerals have been transferred voluntarily without any reservation or severance, subject to the one (1) gap period;

7. That the Defendants herein are the Minerals located in, on or attached to the Property and any and all parties, including any person claiming any present interest therein and including any person claiming any future, contingent, reversionary, remainder, or other interest therein who may claim any interest in this property, Plaintiff not knowing any person who make such claims;

8. That Plaintiff is unaware of any person or persons who have had possession of the Minerals or the Property, or any part thereof, within the last ten (10) years preceding the filing of this Complaint and who did not voluntarily convey their interest or interests in the Property to the Plaintiff or to those through whom the Plaintiff derives title;

9. That Plaintiff is unaware of any person or persons who have at any time within the last ten (10) years preceding the filing of this Complaint assessed or paid any taxes upon the Minerals or Property or any interest thereon and who did not voluntarily convey their interest or interests in the Property to the Plaintiff or to those through whom the Plaintiff derives title;

10. That there are no other named Defendants hereto because the Plaintiff has made diligent inquiry and has not been able to ascertain any other person or persons making claim to or interest in said Minerals or Property;

11. That no suit is pending to test or determine the title to, interest in, or right of possession of the Plaintiff in or said Minerals or Property herein described or any part thereof, and that no suit is pending to test or determine any other title to, interest in, or right of possession of the said Minerals or Property or any part thereof.

**WHEREFORE THESE PREMISES CONSIDERED,** Plaintiff files this verified petition against the said Minerals and against any or all parties, including any persons claiming

any present interest therein and including any persons claiming any reversionary, remainder, or other interest therein, who may claim interest in the Minerals, to establish the right and title of Plaintiff to the said Minerals and to clear up all doubts or disputes concerning the same;

**FURTHER,** Plaintiff requests that the Defendant parties to this proceeding be given notice hereof by publication, in accordance with law, requiring the Defendants to demur, plead, or answer hereto within the time required by law, or suffer default judgment against them;

**FURTHER,** Plaintiff requests that a guardian ad litem be appointed to represent the unknown Defendants;

**FURTHER,** Plaintiff requests that this Honorable Court will make and enter all orders, judgments, and decrees that may be necessary and proper in the premises, and upon a final hearing hereon, Plaintiff respectfully requests that this Honorable Court will make and enter a decree that Plaintiff has the outright and undivided interest in any and all Minerals located in, on or attached to the Property, with no restrictions thereon, and request such other, further, different, or general relief as Plaintiff may be entitled in the premises, and Plaintiff offers to do equity to the premises.

Signed this 7th day of July, 20 16.

April Adams
April Adams, Plaintiff

STATE OF ALABAMA )
COUNTY OF Shelby )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that April Adams, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing bill of complaint, she, executed the same voluntarily on the day the same bears date.

Given under my hand this the 7th day of July 20 16.

SEAL

Cris H. Nelson
Notary Public
My Commission Expires: 6/21/17

CRIS H NELSON NOTARY PUBLIC ALABAMA STATE AT LARGE

DOCUMENT 7

DOCUMENT 1

Tommy B. Majors IV

Tommy B. Majors IV MAJ014
Attorney for Plaintiff April Adams
Email: tommy@themajorslawfirm.com
Phone: (205) 937-9960

Of Counsel:

**The Majors Law Firm, LLC**
270 Doug Baker Blvd, STE 700-201
Birmingham, AL 35242

DATE: 4 August 2016

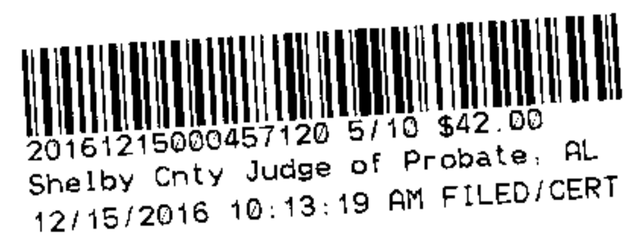
**IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been served on the following by placing a copy of the same in the U.S. Mail, postage pre-paid and addressed as follows on this the 4th day of August, 2016.

April Adams
374 Copperhead Road
Maylene, AL35114

Tommy B. Majors II
Of Counsel



"Exhibit A"

A parcel of land situated in the Section 33, Township 20 South, Range 3 West, Shelby County, Alabama, also being a part of Lot 1 of Adams Farms as recorded in Map Book 43, Page 41 in the Office of the Judge of Probate in Shelby County, Alabama, and being more particularly described as follows:

A parcel of land situated in west 1/2 of Section 33, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 1" crimp at the SE corner of the SW 1/4 of the NW 1/4 of Section 33, Township 20 South, Range 3 West, Shelby County, Alabama; thence N 00°23'15" W along the east line of said 1/4-1/4 section a distance of 641.10 feet to a point; thence N 00°23'15" W along the east line of said 1/4-1/4 section a distance of 693.15 feet to a 1" crimp at the NE corner of said 1/4-1/4 section; thence S 88°31'34" E along the south line of the NE 1/4 of the NW of said Section 33 a distance of 500.47 feet more or less to the centerline of Beaverdam Creek; thence N 13°55'25" W along said centerline and leaving said 1/4-1/4 section line a distance of 77.42 feet to a point; thence N 24°15'49" W along said centerline a distance of 166.19 to a point; thence N 40°55'58" W along said centerline a distance of 159.24 feet to a point; thence N 49°36'21" W along said centerline a distance of 143.84 feet to a point; thence N 61°06'31" W along said centerline a distance of 125.30 feet to a point; thence N 33°04'03" W along said centerline a distance of 104.20 feet to a point; thence N 03°26'48" W along said centerline a distance of 83.96 feet; thence N 16°39'59" W along said centerline a distance of 75.14 feet to a point; thence N 88°22'16" W and leaving said centerline a distance of 436.99 feet to a rebar capped EDG; thence N 1°37'44" E a distance of 605.25 feet to a point on the north line of the NW 1/4 of the NW 1/4 of said Section 33; thence N 88°22'16" W along the north line of said 1/4-1/4 section a distance of 923.47 feet to a 3" capped pipe at the NW corner of said Section 33; thence S 0°25'41" E along the west line of the NW 1/4 of the NW 1/4 of said Section 33 a distance of 1337.47 feet to a 1/2" rebar at the NW corner of the SW 1/4 of the NW 1/4 of said Section 33; thence S 0°28'57" E along the west line of said 1/4-1/4 section a distance of 1337.67 feet to a 1" crimp at the SW corner of said 1/4-1/4 section; thence S 88°32'16" E along the south line of said 1/4-1/4 section a distance of 208.79 feet to a 3" disc stamped 1' offset; thence S 0°23'26" E leaving said 1/4-1/4 line a distance of 299.82 feet to a rebar capped EDG in the center of Copperhead Road; thence N 89°04'09" E along Copperhead Road a distance of 152.71 feet to a rebar capped EDG in the center of Copperhead Road, said point also being the point of beginning of a 30' ingress, egress, and utility easement lying 15 feet to either side of centerline; thence N 16°44'50" E along said centerline and along an existing drive a distance of 28.73 feet to a point; thence N 66°42'04" E along said centerline and along an existing drive a distance of 86.91 feet to a point; thence N 54°14'09" E along said centerline and along an existing drive a distance of 83.07 feet to a point; thence N 25°32'16" E along said centerline and along an existing drive a distance of 73.90 feet to a point; thence N 13°02'01" E along said centerline and along an existing drive a distance of 135.87 feet to a point; thence N 41°50'26" E along said centerline and along an existing drive a distance of 142.54 feet to a point; thence N 36°30'27" E along said centerline and along an existing drive a distance of 126.40 feet to a point at the end of said easement; thence N 1°06'30" E leaving said centerline a distance of 388.95 feet to a point; thence N 89°36'45" E a distance of 560.53 feet to the POINT OF BEGINNING. Said parcel of land contains 73.21 acres, more or less.

SUBJECT TO a 55 foot wide Colonial Pipeline Easement.

SUBJECT TO the prescriptive right-of-way of Copperhead Road.

DOCUMENT 7

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"Exhibit B"

1. See following pages;
2. Overview of Title Abstract has been attached below;
3. Complete Title Abstract is 106 pages and shall be provided upon request.

DOCUMENT 7

DOCUMENT 1

MINERAL TITLE ABSTRACT (Deeds attached; no mortgages included)

Dawn King

Part NWNW; SWNE; Part NESW; Part NWSW

Section 28 Township 20 South Range 3 West

Shelby County, Alabama

| BOOK | PAGE | GRANTOR | GRANTEE | INSTRUMENT | DATE | FILED DATE | Legal & Exceptions |
|---|---|---|---|---|---|---|---|
| 2011 | 20848 | APK Land LLC | Alabama Aptil | WD | 10/28/2011 | 11/1/2011 | Part Parcel: North, East, West, Part NWSW (See attachment for legal description) Subject to: 1. Easements, exceptions, restrictions, encumbrances, liens, rights of way and restrictions of record or visible on said property. 2. Title to all minerals within and underlying the premises, together with all mining rights and other rights, privileges and easements pertaining thereto, including reversion of damages, are not insured hereto. 3. Right of way granted to Colonial Pipeline recorded in Volume 278, Page 501 in the Office of the Judge of Probate of Shelby County, Alabama. |
| 2011 | 21811 | Frank Jones, as [illegible] | APK Land LLC | WD | 10/28/2011 | 10/28/2011 | Part Parcel: North of Fox Valley Farm Road (See attachment for legal description) Subject To: 1. Ground and utility rights. 2. Utility Easement to Alabama Water Board in Deed Book 2006, Page 08[illegible]. 3. Easement to Colonial Pipeline Company in Volume [illegible], Page [illegible]. 4. Right of way granted to Colonial Pipeline Company recorded in Volume 229, Page 863. 5. Grantor is purchasing property of Deed Vol. 251, Page 132, the other grantee, Norma Jones. |
| 2011 | 23038 | Compass Bank Inc. | APK LLC | Statutory WD | 8/12/2011 | 8/15/2011 | Part Parcel: Part NESW, SWNE (See attachment for proof legal description) 1. Mineral and mining rights not owned by Grantor. 2. Easements, restrictions, rights of way, encumbrances and other matters of record. 3. Matters disclosed by an accurate survey, recorded plat of property. 4. If applicable, zoning, subdivision and land use ordinances, laws or regulations. 5. Property conveyed "As Is" and "Where Is" with all faults, specifically and expressly without warranties, representations, or guaranties of any kind, nature or nature, express or implied, other than statutory warranties of title to land described from Grantor. 6. To the maximum extent permitted by law, Grantor makes no representations, warranties or guaranties of any kind, nature or nature, express or implied concerning the Property or the title to the property, other than statutory warranties of title as to the land described on Exhibit A hereto including, without limitation, (i) the profitability, suitability or fitness of the Property for a particular use or purpose, (ii) the manner or quality of the construction or materials incorporated into the improvements, if any, on the Property, (iii) the manner or repair, quality, state of repair, or lack of repair of the Property, and (iv) the availability of utilities and means of the Property to public roads. |

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| | | | | | | | 7. To the maximum extent permitted by law, Grantor makes no representations or warranties with regard to compliance with any environmental protection, pollution, or land use laws, rules, regulations, orders or requirements, including but not limited to, those pertaining to the handling, generating, treating, storing, or disposing of any solid waste, as defined by the U.S. Environmental Protection Agency regulations at 40 C.F.R. Part 261, or hazardous substances, as defined by the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, and regulations promulgated thereunder. |
| | | | | | | | 8. Grantor is not liable or bound in any manner by any verbal or written statements, representations or information pertaining to the Property furnished by any broker, agent, employee, servant, or other person. |
| | | | | | | | 9. Grantor shall not be liable to the Grantee for any INCIDENTAL or consequential damages, or special, indirect or consequential damages, whether based upon contract, tort or negligence or in any other manner arising from the transactions contemplated by this conveyance. |
| | | | | | | | 10. Easement granted to Colonial Pipeline recorded in Volume 328, Page 302 in the Office of the Judge of Probate of Shelby County, Alabama. |
| 2003 | [illegible] | Edwards Specialties, Inc. | Compass Bank | Wrongful Foreclosure | 8/22/2003 | 8/22/2003 | Part NW/4, S13, T20S, R3 W. (See instrument for legal description) |
| 2003 | [illegible] | Mr. Frank F. Jones | Alabaster Water Board | Eminent Domain | 10/30/2003 | 12/8/2003 | Part NW/4 SE, S23, T20S, R3 W. (See this deed for legal description) |
| 2004 | [illegible] | Cedar Lane LLC | Edward Specialties, Inc. | WD | 7/8/2004 | 8/12/2004 | Part NE/4 SE, S19T20S, R2W. (See instrument for legal description) |
| 2004 | [illegible] | Danny C. Griffin, married<br>Frank Allen Griffin, single<br>Linda G. Griffin, married | Cedar Lane LLC | General WD | 8/18/2004 | 9/10/2004 | Parcel I: NW/4NW lying South 211.17 1/2 feet.<br>Parcel II: NE/4NW lying South 211.17 1/2 feet & Parcel III: [illegible] and [illegible]; 294-718; 298-600; 302-136; 304-783; lying and except same for right of way.<br>Parcel III: South 211.17 feet of NE/4NW lying East of Parcel II EXCEPT NW/4NW<br>Parcel IV: [illegible] (See entire document for exact legal description) |
| 1997 | [illegible] | Martha B. Luker Hulsey, married | Stephen M. Luker,<br>Rebecca J. Luker | WD-ROS | 9/12/1997 | 7/25/1997 | NE/4 SW/4NW. (See document for legal description)<br>NE/4 SE; [illegible] lying above 1987-192331 |
| 1997 | [illegible] | Martha B. Luker Hulsey, married | Stephen M. Luker,<br>Rebecca J. Luker | WD-ROS | 9/12/1997 | 7/25/1997 | NE/4 SW/4NW. (See document for exact legal description) |
| [illegible] | [illegible] | Frank Griffin & wife | Frank Allen Griffin | WD | [illegible] | [illegible] | UNDIVIDED 1/2 INTEREST,<br>Parcel I: NW/4NW lying south 211.17 1/2 feet<br>Parcel II: NE/4NW lying south 211.17 1/2 feet and deeds [illegible]<br>[illegible] 294-718; [illegible] 302-136; 304-783; lying and except same for right of way. |
| 2/14 | 277 | Frank Griffin & wife,<br>Martha O. Griffin | Frank Griffin & wife,<br>Martha O. Griffin | WD | | 11/22/1993 | Same as above 211.194 |

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| 251 | 152 | Ron Faris & Wife Leslie S. | Frank Jones & wife Fatima Jones | WD-ROS | | 12/29/1997 | [illegible] Less Tax Parcels 26, 26.1 & 26.2 |
| 244 | 576 | Horace D. Luther & wife, Martha B. Luther | Frank Griffin & wife Martha P. Griffin | WD | 9/8/1956 | 10/8/1956 | [illegible] Less south 21.37 [illegible] |
| 238 | 363 | Eva Stone & husband A.R. Stone | Frank Griffin & wife Martha P. Griffin | WD-ROS | 11/4/1965 | 11/9/1965 | ALL |
| 234 | 773 | R. G. Shafer Inc | M. M. Fargle | Corporation Deed | | 10/4/1965 | [illegible] Less Tax Parcels 26, 26.1 & 26.2 |
| 234 | 462 | R.G. Shafer & wife Jacqueline | R.G. Shafer Inc | WD | | 10/28/1965 | [illegible] Less Tax Parcels 26, 26.1 & 26.2 |
| 230 | 326 | Eva C. Stone & hus. A.R. Stone | Ron Shafer | WD | | 11/8/1965 | [illegible] Less Tax Parcels 26, 26.1 & 26.2 |
| 229 | 462 | A.R. Stone & Wife Eva C. Stone | J.D. Holcomb & Wife Jack Holcomb | WD | | 1/8/1963 | Tax Parcels 26, 26.1 & 26.2 |
| 220 | 903 | Arlie R. Stone and wife, Eva C. Stone | Columbia Pipeline Company | ROW | 6/30/1962 | 5/4/1962 | [illegible] |
| 218 | 214 | Eva C. Stone & husband A.R. Stone | J. T. Williams & Company | Timber Deed | 5/8/1960 | 12/30/1960 | Small Pine Pulp Timber (covers [illegible]) |
| 193-12 | 325 | Estate of Sarah Pitts Peel & Final Settlement, etc. attached | Eva C. Stone | Will | 9/17/1953 | | All real property to Eva C. Stone |
| 93 | 325 | Jack H. Peel & wife Sarah Peel | Sarah P. Peel | WD | 10/28/1926 | 11/11/1926 | This land [illegible] all our property, Estate finalized December 1926 |
| Will Bk 2 | 438 | George Washington Peel | Sarah P. Peel | Affidavit/Letter | 1/19/1927 | 9/13/1932 | All property inherited by Probate Court |
| 20016 | Lucedale | Sam Lee Stephen Peel | Birth: [illegible] Death: [illegible] | Online Info | 4/4/2016 | | Wife and widow of Thomas A. Dunman, Predecessor in Husband Sarah W. Peel |
| 44 | 351 | Charles A. Dunman | Heirs of Thos A. Dunman | Affidavit | 9/28/1929 | 9/28/1929 | Estate of Robert T. Dunman and wife Mattie A. Dunman (Father of Thos A. Dunman) |
| 7 | 363 | A.M. Elliott & wife Euphronia | T. A. Dunman | WD | [illegible] | 5/12/1916 | [illegible] |
| | 7 | 365 | Harris, T. Luther Judge of Probate | T. A. Dunman | Tax Sale Deed | 2/7/1878 | [illegible] |
| GAP | | GAP | | GAP | | | |
| [illegible] | [illegible] | USA | Joseph Wilkinson | Patent | 11/10/1840 | | [illegible] |
| [illegible] | [illegible] | USA | Joseph Wilkinson | Patent | 11/10/1840 | | [illegible] |
| [illegible] | [illegible] | USA | Thomas M. Cowden | Patent | 11/10/1840 | | [illegible] |