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12/15/2016 9:47 AM  
58-CV-2016-000321.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA

APRIL ADAMS,  
Plaintiff,

v.

Case No.: 58-CV-2016-000321.000

ANY AND ALL MINERALS  
AND MINERAL RIGHTS,  
IN, ON OR ATTACHED TO  
374 COPPERHEAD ROAD,  
MAYLENE, AL 35114

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.

FINAL DECREE

This cause coming on to be heard on this 15<sup>th</sup> day of December, 2014  
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, testimony of the Circuit Clerk showing recording of  
notice of pendency of the Plaintiff's Bill to Quiet Title in the lis pendens records in the Office of  
the Judge of Probate of Shelby County, Alabama, proof of publication of notice of the pendency  
of this proceeding, answer of the Guardian ad Litem appointed by the Court denying any and all  
allegations of the Complaint and oral testimony taken in open Court, all of which is noted by the  
Circuit Clerk.

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



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1. That April Adams, Plaintiff, at the time of the filing of Plaintiff's Complaint in this cause claimed in her own right the fee simple title to and was in actual, peaceable possession of any and all Minerals and Mineral Rights ("Minerals") located in, on or attached to the Real Property located at 374 Copperhead Road, Maylene, AL 35114 ("Property"), the same Property described in the caption in the above-described matter and being better described in Plaintiff's Complaint, claiming to own the same outright an undivided interest in said Minerals;
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 possession of said Minerals;
3. That Plaintiff's Complaint was and is duly verified, and was filed against said Minerals and against 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, and was to establish the right or title to such Minerals 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 § 6-6-561 (1975);
4. That service of process was had in strict compliance with the provisions of Ala. Code § 6-6-564 (1975) 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 (4) 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 (30) days since the last publication of said notice;
7. That a copy of said notice, certified by the Circuit Clerk as being correct, was recorded as a *lis pendens* in the Office of the Judge of Probate of Shelby County, Alabama, said notice being in strict accord and compliance with Ala. Code § 34-4-131 (1975);
8. That no person has intervened in this cause except that Vicki N. Smith, *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 the Complaint, demanded strict proof thereof, and examined the entire file in this proceedings, 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;



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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 the Guardian ad Litem except those that had filed Answer(s) and waiver(s) or as to whom decrees pro confesso had been entered after proper service of process on all parties;
11. That the Complainant 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 the Minerals;

It is therefore, **ORDERED, ADJUDGED and DECREED** by the Court that the Plaintiff is entitled to the relief prayed for in her Complaint and that the fee simple title claimed by the Plaintiff in and to the above described Minerals, with the exceptions noted above, have been duly proved, and that the Plaintiff is the owner of said any and all Minerals and Mineral Rights located in, on or attached to the Real Property located at 374 Copperhead Road, Maylene, AL 35114, the same Property described in the caption in the above-described matter and being better described in Plaintiff's Complaint, and has 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 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 Vicki N. Smith, *Esquire*, be and is hereby awarded a fee of \$ 750.00 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 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 15<sup>th</sup> day of December, 2016.

Harris  
Circuit Judge

**Certified a true and correct copy**

Date: 12-15-16

Mary H. Harris  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama *phs*

  
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