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 Shelby Cnty Judge of Probate, AL  
 11/29/2018 08:51:43 AM FILED/CERT



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 8/21/2018 11:18 AM  
 58-CV-2017-900073.00  
 CIRCUIT COURT OF  
 SHELBY COUNTY, ALABAMA  
 MARY HARRIS, CLERK

# IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**PAMELA CONWAY,**

**Plaintiff,**

**v.**

**Case Number: CV-2017-900073.00**

**JESSE W. MARKS and his Heirs  
 or Devisees, if deceased, and  
 JAMIE MARKS and her Heirs or  
 Devisees, if deceased, and  
 RUBY G. MARKS and her  
 Heirs or Devisees, if deceased, and  
 HERBERT R. MARKS, and his Heirs  
 or Devisees, if deceased, and  
 FICTITIOUS DEFENDANTS A through  
 Z, Being those persons or entities claiming  
 an interest in certain real property located  
 in Shelby County, Alabama, being more  
 particularly described below:**

**A part of the SE 1/4 of SE 1/4 of Section  
 27, Township 17 South, Range 1 East and  
 a part of the NE 1/4 of NE 1/4 of Section  
 34, Township 17 South, Range 1 East  
 being more particularly described as  
 follows: Begin at a 3" Capped Pipe,  
 being the SE corner of the SE 1/4 of SE  
 1/4 of Section 27, Township 17 South,  
 Range 1 East; Thence S 00 Deg. 08' 17"  
 W, along the East line of the NE 1/4 of  
 NE 1/4 of Section 34, Township 17  
 South, Range 1 East, 248.01 Feet to a  
 1/2" Rebar on the Norther Right of  
 Way line of Hwy. #101; Thence S 82  
 Deg. 40' 28" W, along said right of way  
 of said road, 46.39 Feet to a Concrete  
 Monument and the Point of a Curve to  
 the Right having a central angle of 143  
 Deg. 46' 43" and a Radius of 216.02  
 Feet; Thence along the Arc of said Curve  
 and said Right of Way of said Road**

Northwesterly and Northeasterly )  
 542.09 Feet to the Point of Tangent; )  
 Thence N 46 Deg. 27' 11" E along the )  
 Southeastern Right of Way of said Road )  
 310.18 Feet to a 1/2" Rebar on the East )  
 Line of the SE 1/4 of SE 1/4 of Section )  
 27, Township 17 South, Range 1 East; )  
 Thence S 00 Deg. 19' 07" W, along the )  
 East Line of said 1/4 1/4 Section, 330.61 )  
 Feet to the Point of Beginning. )  
 Containing 2.720 Acres, Subject to all )  
 Easements recorded and unrecorded. )  
 )  
 Defendants. )



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## JUDGMENT QUIETING TITLE *IN PERSONAM* AND *IN REM*

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This action came on to be heard before the court and was submitted for judgment on the pleadings and *ore tenus* testimony.

Publication of the pendency of this action was made in the Shelby County Reporter, a newspaper of general circulation in Shelby County, Alabama, on January 31, 2018, February 7, 2018, February 14, 2018, and February 21, 2018 calling upon the Defendants to plead, answer, or otherwise defend on or before thirty (30) days from the 23rd day of March, 2018. More than 60 days has elapsed from the date of first publication of said notice and the filing of a certified copy thereof in the office of the Judge of Probate of Shelby County, Alabama.

The Defendants, JESSE W. MARKS and his heirs or devisees, if deceased, RUBY G. MARKS and her heirs or devisees, if deceased, HERBERT R. MARKS and his heirs or devisees, if deceased, and the fictitious Defendants A through Z, whatsoever, having been served by publication and said service by publication having been completed on or about on January 31, 2018, February 7, 2018, February 14, 2018, and February 21, 2018 calling upon the Defendants to plead, answer, or otherwise defend on or before thirty days from the 23rd day of March, 2018. More than 60 days has elapsed from the



date of first publication of said notice. No answer by any of the Defendants having been filed.

The court finding that no other suit is pending to enforce or test the title of said lands and that the Plaintiffs are in peaceable possession of said lands in conformity with Code of Alabama, 1975, § 6-6-540.

The court finding that the complaint filed in this action complies in all respects with the requirements of the Code of Alabama, 1975, § 6-6-560 and 6-6-561, it is of the opinion of the court that the Plaintiff is entitled to the *in rem* and *in personam* relief prayed for in the complaint.

Accordingly, it is, therefore, **ORDERED, ADJUDGED, and DECREED:**

1. The Plaintiff possessing better title than that of the Defendants is entitled to a judgment quieting title to said lands, therefore, judgment is entered in favor of the Plaintiff and against the Defendants and the right, title, interest, and ownership of the Plaintiff in and to the property is hereby established and forever quieted *in personam* and against the Defendants, JESSE W. MARKS and his heirs or devisees, if deceased, RUBY G. MARKS and her heirs or devisees, if deceased, IIERBERT R. MARKS and his heirs or devisees, if deceased, whatsoever, in the land more particularly described as:

**A part of the SE 1/4 of SE 1/4 of Section 27, Township 17 South, Range 1 East and a part of the NE 1/4 of NE1/4 of Section 34, Township 17 South, Range 1 East being more particularly described as follows: Begin at a 3" Capped Pipe, being the SE corner of the SE 1/4 of SE 1/4 of Section 27, Township 17 South, Range 1 East; Thence S 00 Deg. 08' 17" W, along the East line of the NE 1/4 of NE 1/4 of Section 34, Township 17 South, Range 1 East, 248.01 Feet to a 1/2" Rebar on the Norther Right of Way line of Hwy. #101; Thence S 82 Deg. 40' 28" W, along said right of way of said road, 46.39 Feet to a Concrete Monument and the Point of a Curve to the Right having a central angle of 143 Deg. 46' 43" and a Radius of 216.02 Feet; Thence along the Arc of said Curve and said Right of Way of said Road Northwesterly and Northeasterly 542.09 Feet to the Point of Tangent; Thence N 46 Deg. 27' 11" E along the Southeastern Right of Way of said Road 310.18 Feet to a 1/2" Rebar on the East Line of the SE 1/4 of SE 1/4 of Section 27, Township 17 South, Range 1 East; Thence S 00 Deg. 19' 07" W, along the East Line of said 1/4 1/4 Section, 330.61 Feet to the Point of Beginning. Containing 2.720 Acres, Subject to all Easements recorded and unrecorded.**

2. The right, title, interest, and ownership of the Plaintiff in and to the property is hereby established and forever quieted *in rem* and against the property which is more particularly described as:

**A part of the SE 1/4 of SE 1/4 of Section 27, Township 17 South, Range 1 East and a part of the NE 1/4 of NE 1/4 of Section 34, Township 17 South, Range 1 East being more particularly described as follows: Begin at a 3" Capped Pipe, being the SE corner of the SE 1/4 of SE 1/4 of Section 27, Township 17 South, Range 1 East; Thence S 00 Deg. 08' 17" W, along the East line of the NE 1/4 of NE 1/4 of Section 34, Township 17 South, Range 1 East, 248.01 Feet to a 1/2" Rebar on the Norther Right of Way line of Hwy. #101; Thence S 82 Deg. 40' 28" W, along said right of way of said road, 46.39 Feet to a Concrete Monument and the Point of a Curve to the Right having a central angle of 143 Deg. 46' 43" and a Radius of 216.02 Feet; Thence along the Arc of said Curve and said Right of Way of said Road Northwesterly and Northeasterly 542.09 Feet to the Point of Tangent; Thence N 46 Deg. 27' 11" E along the Southeastern Right of Way of said Road 310.18 Feet to a 1/2" Rebar on the East Line of the SE 1/4 of SE 1/4 of Section 27, Township 17 South, Range 1 East; Thence S 00 Deg. 19' 07" W, along the East Line of said 1/4 1/4 Section, 330.61 Feet to the Point of Beginning. Containing 2.720 Acres, Subject to all Easements recorded and unrecorded.**

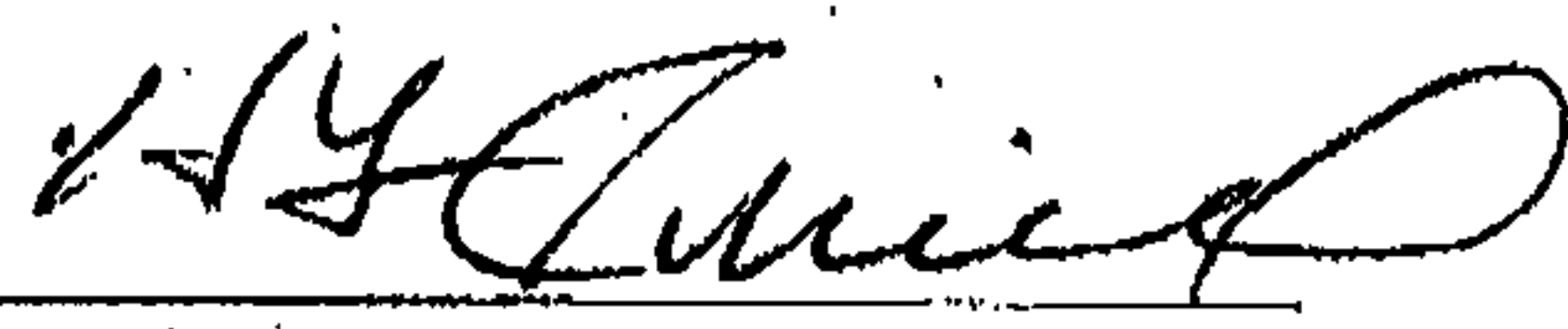
3. The guardian ad litem, VICKI N. SMITH, is awarded the sum of \$600.00 as a fee for his/her services rendered in this action.


4. The clerk of this court shall certify copies of this judgment and record the same in the office of the Judge of Probate of Shelby County, Alabama, and the same shall be indexed in the same books 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 in possession of the property in the reverse index.



5. Costs of this action are to be taxed against the Plaintiff.

**DONE, ORDERED, and ADJUDGED** this the 22<sup>nd</sup> day of August, 2018.

  
H.L. Conwill  
Circuit Judge

  
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