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 Shelby Cnty Judge of Probate, AL  
 04/13/2021 10:09:46 AM FILED/CERT

# IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE ESTATE OF )

THELMA SMITH, )  
 Deceased, )

and )

DIANN JESSIE, as )  
 ADMINISTRATOR OF THE )  
 ESTATE OF THELMA SMITH, )  
 Deceased, )

Plaintiff, )

v. )

ROBERT WATTS, AND )  
 THE UNKNOWN HEIRS, NEXT )  
 OF KIN, OR DEVISEES OF )  
 REAVER MAY WATTS, DECEASED, )

Defendants. )

RECEIVED AND FILED  
 MARY H HARRIS

OCT 22 2008

CIRCUIT & DISTRICT  
 COURT CLERK  
 SHELBY CO

CASE NO. CV 2007-00694

## ORDER

This cause coming to be heard upon the Complaint to Quiet Title and Motion for authorization to sell real estate filed by Plaintiff Diann Jessie, Administrator of the Estate of Thelma Smith.

The Defendant, Robert Watts, was given notice of this hearing, has not answered the Complaint or otherwise made an appearance in this cause, and was not present in court either in person or represented by counsel. The clerk of court has entered default against Robert Watts.

The unknown heirs of Reaver May Watts were given notice of the Complaint by publication and are represented by Vicki Smith as Guardian Ad Litem.

The Court heard the testimony and evidence in this cause at a hearing on August 21, 2008. In attendance were Harry W. Gamble, as attorney for Plaintiff, and Vicki Smith, as attorney for the unknown heirs of Reaver May Watts. Vicki Smith objected to the Complaint for Quiet Title on behalf of her client.

The Court having considered the testimony and evidence is of the opinion that the Plaintiff is entitled to the relief prayed for in her Complaint and Motion, and the Court hereby finds as follows:

1. This action seeks to adjudicate rights as between Plaintiff and the named Defendants and, therefore, the action is an *in personam* action under Alabama Code §§ 6-6-540, *et seq.*

2. The Defendants who are the heirs, next of kin, or devisees of REAVER MAY WATTS, deceased, if any, are unknown and cannot be ascertained after reasonable effort.

3. All named parties are competent and are at least 19 years of age.

4. Thelma Smith owned the following real estate on the date of her death (the "Property"):

Commencing at a point on the Helena Road where the private road of J. D. Ruffin interests said Helena Road; thence West along said private road 237 feet, more or less, to the West boundary line of North-east quarter of North-west quarter of Section 15, Township 20, Range 3 West; thence North along said forty line 183 feet, thence east 248 feet to said Helena Road; thence South along said Helena road 190 feet to point of commencement, and containing one acre, more or less, mineral and mining rights excepted, situated in Shelby County, Alabama.

5. Thelma Smith's interest in the Property was derived from a three-grantee survivorship deed dated September 9, 1972, and recorded in Book 276, page 706 in the Probate Office of Shelby County, Alabama. Grantee ARLEDA STINSON died in 1988, Grantee REAVER MAY WATTS died in 1991, and Grantee THELMA SMITH died in 2006.

6. Defendant ROBERT WATTS is the sole heir and next of kin of REAVER MAY WATTS. Any other heirs or next of kin of REAVER MAY WATTS, deceased, are unknown and cannot be ascertained after reasonable effort.



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7. Plaintiff is in peaceable possession of the Property, and it is necessary that the Administrator of the Estate intercept the Property in order to pay the debts of the Estate.

8. Vicki Smith, as guardian ad litem for the unknown heirs of Reaver May Watts, is entitled to a reasonable attorney's fee for her services to be taxed against the Estate of Thelma Smith.

NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. Fee simple title to the Property is vested in THE HEIRS AND NEXT OF KIN OF THELMA SMITH, as tenants in common, as against the Defendants; subject, however, to the rights of the Personal Representative to administer the Property for the payment of debts and administrative expenses of the Estate.

2. Petitioner is authorized to negotiate a contract of sale for the Property, subject to final approval by the Court, and to take all other steps necessary to prepare the property for sale and closing.

3. The Estate of Thelma Smith is ordered to pay a reasonable attorney's fee to Vicki Smith for her services in the amount of \$ 250.00

*are taxed as paid*

*Costs of Court*

DONE this 7 day of October, 2008

*[Signature]*  
CIRCUIT COURT JUDGE

Certified a true and correct copy

Date: 4-12-2021

*[Signature]*

Mary H. Harris, Circuit Clerk  
Shelby County, Alabama