



IN THE CIRCUIT COURT OF SHELBY COUNTY,

JAMES TERRY McCOMBS, and
TOMMY W. McCOMBS,

Plaintiffs,

v.

Case No.: CV-2021-900366

THE FOLLOWING DESCRIBED PROPERTY:

All that part of the North half of Section 1,
Township 22, Range 2 West, lying West
and South of the Old Elyton Road,
sometimes called the Dargin Road,
situated in Shelby County, Alabama

Said property having a parcel ID#
281010000004.000

Personally against Ricky D. Horton,
Michael E. Horton, Phillip D. Horton,
Jesse L. Horton, Von Hope, and all of the
heirs, assigns, devisees, and beneficiaries,
of James Ollie McCombs, Willie Ethel Terry
McCombs, Dollie Bierley Horton McCombs,
and Bobby W. Horton, deceased, whose
addresses are unknown to the Plaintiff,
and any and all unknown parties, including
any persons claiming any interest therein,
or who may claim any interest in
above-described property,

Defendants.

FINAL JUDGMENT

THIS CAUSE COMING ON TO BE HEARD by the Court on the Plaintiffs=
Verified Complaint asking that the title to the herein below described real property be
vested in the Plaintiffs, both *in personam* and *in rem*, under the provisions of Sections
6-6-540, *et seq.*, and 6-6-560, *et seq.*, of the Code of Alabama 1975, as amended:

1. That the Plaintiffs, James Terry McCombs and Tommy W. McCombs, at the time of the filing of their verified Complaint in this cause, claims in their own right a fee simple title to and were in actual peaceable possession of the following-described land, lying in Shelby County, Alabama, and more particular described as follows:

All that part of the North half of Section 1, Township 22, Range 2 West, lying West and South of the Old Elyton Road, sometimes called the Dargin Road, situated in Shelby County, Alabama.

2. That at the time of the filing of the said Complaint, no suit was pending to test the Plaintiffs= title to, interest in, or the right of the possession of said land.

3. That the Plaintiffs= said Complaint was and is duly verified and was filed against said land and against any and all persons claiming any title to, interest in, lien or encumbrance on said land, or any part thereof, and was to establish the right of title to such land or interest, and declare all doubts or disputes concerning the same, and that said Complaint did in all respects comply with the provisions of the law of Alabama.

4. That the named Defendants are Ricky D. Horton, Michael E. Horton, Phillip D. Horton, Jesse L. Horton, Von Hope; and all of the heirs, assigns, devisees, and beneficiaries, of James Ollie McCombs, Willie Ethel Terry McCombs, Dollie Bierley Horton McCombs, and Bobby W. Horton, deceased, whose addresses are unknown to the Plaintiffs. The names of none of the other parties Defendants were known to the Plaintiffs, and they have exercised diligence to ascertain the facts with regard thereto.

5. That notice of the pendency of said Complaint was drawn and duly executed, and the Clerk of this Court did have such notice published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper having general



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Shelby Cnty Judge of Probate, AL
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circulation and being published in Shelby County, Alabama, as prescribed by the rules of this Court, and the law in such cases made and provided.

6. That no person has intervened or appeared in this cause.

7. That The Honorable Daniel Head was appointed Guardian *Ad Litem* by this Court to represent the minor Defendants, the unknown Defendants, or persons of unsound mind, and all of their heirs, assigns, devisees, and beneficiaries. Said Guardian *Ad Litem* has found no other heirs or other parties who might have an interest in the property described herein.

8. That the Plaintiffs have proven to the Court its chain of title to said land and that they have exercised and demonstrated their possession and ownership of the subject land required by the law of this State to establish title to same.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

A. That the Plaintiffs are entitled to the relief prayed for in their Complaint and that the fee simple title claimed by the Plaintiffs in the above-described land has been duly proven.

B. That the Plaintiffs are the owners of said land and have a fee simple title thereto, free of all liens and encumbrances, and that the Plaintiffs' title thereto be and is hereby established, and that all doubts and disputes concerning the same be and are hereby cleared.

C. That the interests of all Defendants are hereby extinguished and held for naught, and the title in and to the above-described property is established in the Plaintiffs against the said Defendants, and *in rem* against the above-described property and against any and all persons



whomsoever, known or unknown, claiming any title to, interest in, or lien or encumbrance upon said real property, or any part thereof.

D. That The Honorable Daniel Head, Guardian *Ad Litem* in this cause, is hereby awarded the sum of Six Hundred Dollars (\$600.00), for serving as such Guardian *Ad Litem* for any and all minors, unknown persons, and persons of unsound mind, which said amount is to be paid directly by Plaintiffs to the said Daniel Head

E. That upon receipt of the funds taxed as costs in this case, which shall include recording fees, the Clerk of this Court shall certify copies of this Judgment and record same in the Office of the Judge of Probate of Shelby County, Alabama, and the same shall be indexed in the same book 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 Plaintiffs, James Terry McCombs and Tommy W. McCombs, in quiet possession of the land in the reverse index.

F. That Plaintiff shall pay the costs of these proceedings for which let execution issue.

DONE AND ORDERED this the 18th day of April, 2022.


CIRCUIT COURT JUDGE



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Shelby Cnty Judge of Probate, AL
04/28/2022 01:01:05 PM FILED/CERT