

IN THE CIRCUIT COURT OF SHELBY COUNTY

HELIODORO TORRES,

PLAINTIFF,

SAMUEL BUIE, ET AL., DECEASED
AND ERNEST BUIE.

DEFENDANTS.

CASE NO.: 58-CV-2023-900084.00

FINAL ORDER

WHEREAS, this cause coming on to be heard before this Court on November 28, 2023 and was thereafter submitted for Final Decree on the Complaint and other pleadings in this action and a hearing before this Court with ore tenus testimony.

In accordance with this Court's prior Order, notice of the pendency of this action was properly published requiring Defendants to plead, answer, or otherwise defend this action, and no answer, intervention, or other pleadings were filed.

WHEREFORE, the Court makes the following findings, to-wit:

1. At the time of the filing of the Complaint in this cause, no other suit or legal action was pending, and the Plaintiff claimed in his own right the fee simple title to and were in actual, open and notorious, exclusive of others, hostile and under claim of right, and continuous possession of the following described realty, to-wit:

Commencing at the Northwest Corner of the Duncan Buie Property as recorded in Deed Book 330 at Page 78 locally accepted as the Northwest Corner of the NW1/4 of the SW1/4 of Section 6, T-22-S, R-1-E, Shelby County, Alabama; thence N89 23'15"E, 247.15 feet to a Railroad Iron Found at the Northwest Corner of the Gordon Timberlands LTD property as recorded in Deed Book 283 at Page 249; thence continue N89 23'15"E, 1105.54 feet along the North boundary of said Gordon property to an Iron Rod Set(CA1066LS) on a Yellow Painted Treeline; thence N01 24'58"W, 681.00 feet along said painted treeline to an Iron Rod Set(CA1066LS); thence S89 22'20"W, 1319.28 feet to an Iron Rod Set(CA1066LS); thence S01 23'43"W, 542.27 feet to a 5/8" Solid Iron Rod Found; thence S01 23'43"W, 138.73 feet to the point of beginning.

Said parcel of land lying in the SW1/4 of the NW1/4 of Section 6, T-22-S, R-1-E, Shelby County, Alabama and containing [20] acres more or less.



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2. Plaintiffs' Complaint was duly verified and complied in all respects with the provisions of Section 6-6-561, Code of Alabama, 1975, as amended;

3. Notice of the pendency of this action and service of process was properly made on all known and unknown Defendants in strict compliance with the provisions of Section 6-6-564 and Section 35-4-131, Code of Alabama, 1975, as amended, and Rule 4.3 of Alabama Rules of Civil Procedure, as amended;

4. More than Sixty (60) days have elapsed since the last publication of said notice and the filing of a certified copy of said notice in the said official records of the Office of the Probate Judge of Shelby County, Alabama, and no other person has filed any response or otherwise intervened in this proceeding;

5. No contravening evidence was offered at the trial of this matter, and all of the facts and allegations contained in the Complaint were found to be true after hearing testimony by the Plaintiff ore tenus;

6. This proceeding fully complies with all provisions of Section 6-6-560, et seq., Code of Alabama, 1975, as amended, relative to proceedings in rem to establish fee simple title to land;

Accordingly, it is, hereby **ORDERED, ADJUDGED** and **DECREED** by this Court as follows, to-wit:

1. The Plaintiff has duly proved the facts alleged in their Complaint, and as such, the Plaintiff is entitled to the relief prayed for therein.

2. The Plaintiff is the lawful owner of said realty and are hereafter vested with fee simple title thereto, free of all liens and encumbrances, subject to any exceptions noted herein above.

3. Plaintiffs' title to said realty is and shall be hereby adjudicated and established, and all doubts and disputes concerning same be and the same are hereby resolved.

4. The Circuit Clerk shall certify copies of this Final Decree and cause same to be properly recorded in the official land records of the Office of the Judge of Probate of Shelby County, Alabama, and indexed therein in the same manner in which deeds are recorded and in

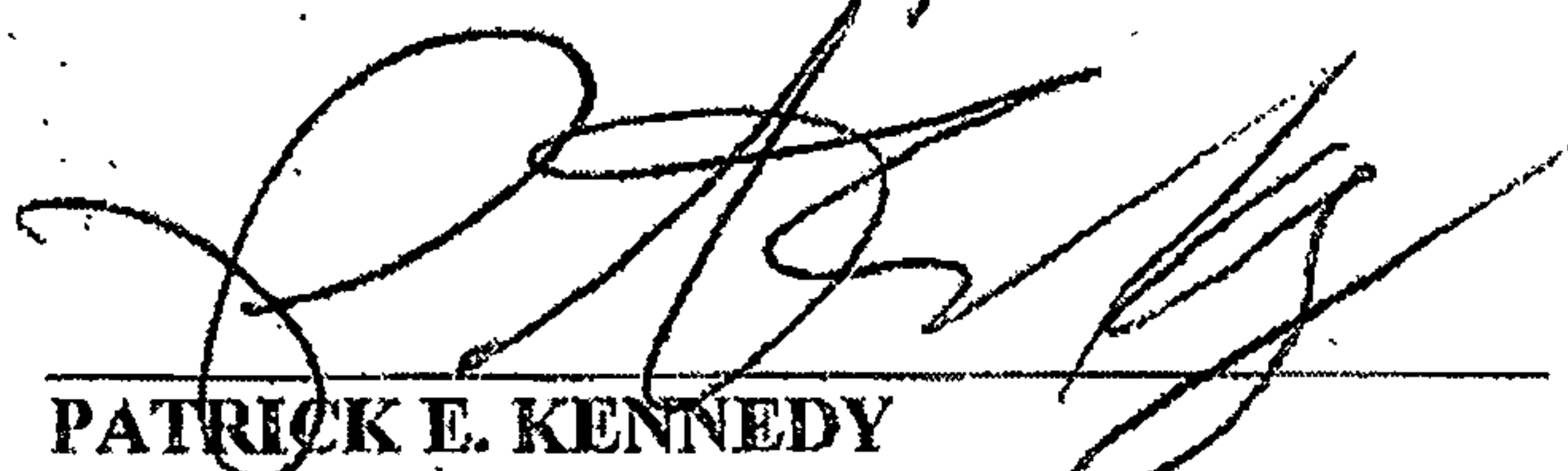


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the names of the Plaintiff and Defendants in both the direct index and indirect index of such land records.

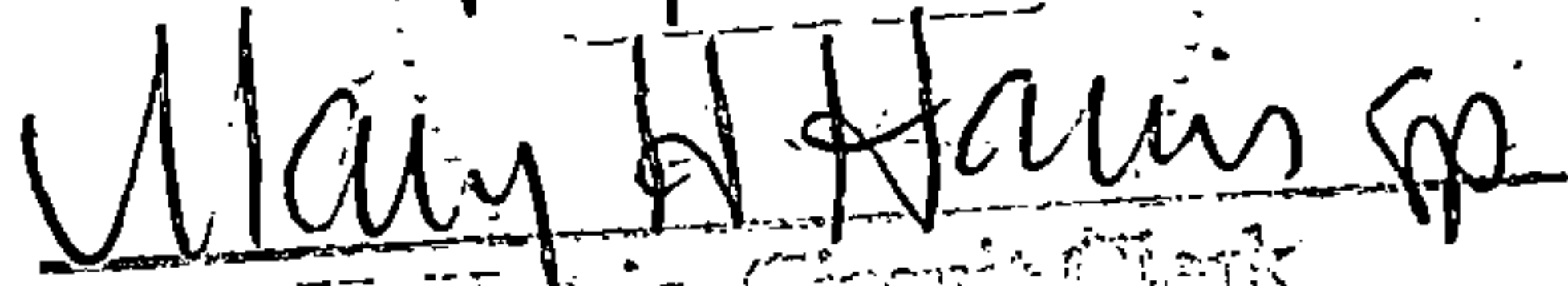
5. The Plaintiff is taxed with and shall pay all costs of this proceeding, for which execution may issue, and the Circuit Clerk shall disburse same upon payment.

DONE and ORDERED this 9th day of January, 2024.


PATRICK E. KENNEDY
CIRCUIT JUDGE

Certified a true and correct copy

Date: 1/31/24


Mary H. Harris, Circuit Clerk
Shelby County, Alabama