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Shelby Cnty Judge of Probate, AL  
03/05/2026 11:36:18 AM FILED/CERT

**IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA**

**ANNA WAMBOLT, THEODORE G.  
BOLTON JR., DEBBIE D. BOLTON,  
and DOLLIE BOLTON,**

**Plaintiffs,**

**v.**

**Certain Properties located in Shelby  
County more particularly described  
in the body of this complaint, et al.**

**Defendants.**

**CIVIL ACTION NUMBER  
CV 03-709**

**RECEIVED AND FILED  
MARY H. HARRIS**

**JAN 18 2005**

**CIRCUIT & DISTRICT  
COURT CLERK  
SHELBY CO.**

**ORDER GRANTING PARTIAL SUMMARY JUDGMENT**

THIS MATTER came before the Court on motion by Plaintiffs seeking Partial Summary Judgment for a determination that title to the subject Property is held solely by the Heirs of Theodore G. Bolton as identified in Plaintiffs' initial Verified Complaint. The Court has considered the Plaintiffs' Motion for Partial Summary Judgment and has reviewed the pleadings and evidence submitted to this Court: including the verified Complaint and Amended complaint; facts verified relative to service by publication; prior orders prescribing and directing notice to Defendants and appointment of guardian ad litem; the lis pendens recorded in the records in the Offices of the Judge of Probate of Shelby County, Alabama; proof of publication of notice of pendency of this proceeding; answer and waiver of some Defendants; default judgment against one Defendant; and answer of the guardian ad litem appointed by the Court, denying all of the allegations of the complaint. Upon consideration thereof, the Court makes the following as findings of fact:

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*Certified a true and correct copy*  
Date: *02/03/2006*

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





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1. That the heirs of Theodore Bolton, identified as Anna Wamboldt, Theodore G. Bolton Jr., Debbie D. Bolton, Daniel E. Bolton<sup>1</sup>, Joseph I. Bolton, Janice I. (Bolton) Sanders, Tommy Whitacre<sup>2</sup>, Sandra Whitacre Breland, Brenda Whitacre Harrison, Ronnie Whitacre, and Richard Whitacre (hereinafter collectively referred to as the "Heirs"), at the time of the filing of the complaint in this cause, claimed in their own right the fee simple title to and were in actual peaceable possession of the following described lands:

Lot 1, Block 74 according to J.H. Dunstan's Map of Calera, Shelby County, Alabama.  
 Map Book: Map Page: 1  
 Sect: 17 Township: 22s Range: 02W  
 Tax Parcel Number # 28-4-17-4-001-099.000  
 (Hereinafter "Parcel I").

Lot 12, Block 75, according to J.H. Dunstan's Map of Calera, Shelby County, Alabama  
 Map Book: Map Page: 1  
 Lot: 12 Blk: 75  
 Sect: 16 Township: 22s Range: 02W  
 Lot Dim: 150.00 By 250.00  
 Tax Parcel Number # 28-5-16-3-002-099.000  
 (Hereinafter "Parcel II").

All that part of the W 1/2 of the SW 1/4 of the NE 1/4 of Section 32, Township 17 Range 1 East, being described as tax ID No. 01-9-32-0-000-004.000, Shelby County, Alabama.  
 Sect: 32 Township: 17S Range: 01E  
 Acres: 11.000  
 (Hereinafter "Parcel III").

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<sup>1</sup>Daniel E. Bolton was incorrectly identified in the Plaintiffs' original Complaint as Danil E. Bolton, Jr.

<sup>2</sup>Tommy Whitacre was incorrectly identified in the Plaintiffs' original Complaint as Tommy Whitacre Harrsion.





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All that part of the SW quarter of the SW quarter, Section 32, Township 17, Range 1 East, being identified as tax ID No. 01-9-32-0-000-012.000, Shelby County, Alabama.

Acres:16.000.

(Hereinafter "Parcel IV").

All that part of the NE 1/4 of the SW 1/4 of Section 32, Township 17, Range 1 East being identified as tax ID No. 01-9-32-0-000-010, Shelby County, Alabama.

Begin N/L NE SW1/4 Sec 32 T 17s R1E

DIST W 870'(s) From NE COR SD H W

To NW CORSD NE1/4 S ALG W/L

S/D NE 1/41060(s) NELY 600'(s) N 690'

Sect:32 Township:17S Range: 01E

Acres: 9.40

(Hereinafter "Parcel V").

2. That at the time of filing of the Complaint, no suit was pending to test Plaintiff's title to interest in, or the right to the possession of said land, with the exception of that certain case styled *Dollie B. Bolton v. Certain Properties located in Shelby County more particularly described in the body of this complaint; Tommy Whitacre, et al.*, CV 02-609 in the Circuit Court for Shelby County. Such suit was filed by one of the Plaintiffs to claim adverse possession to the property and has been placed on the administrative docket pending the outcome of the instant suit.

3. That the Plaintiffs' Complaint was duly verified, and was filed against said lands and against any an all person claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such lands 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 the Code of Alabama, 1975, § 6-6-561.





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4. That the service of process was in strict compliance with the provisions of the Code of Alabama, 1975, § 6-6-564 and Rule 4.3 of the Alabama Rules of Civil Procedure, 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 Defendants.

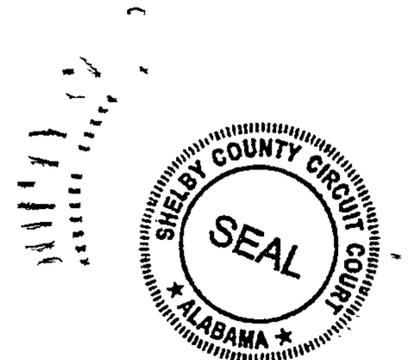
5. That notice of pendency of said complaint was issued by the court and published once a week for four consecutive weeks in the Shelby County Reporter, a newspaper having general circulation and published in Shelby County, Alabama.

6. That a notice of lis pendens, certified by the Court as being correct, was recorded as a lis pendens in the Office of the Judge of Probate of said county, said notice being in compliance with the Code of Alabama, 1975, §35-4-131.

7. That it has been more than thirty (30) days since the last publication of said notice and the filing of a certified copy of a lis pendens in the Office of the Judge of Probate of Shelby County, Alabama.

8. That no person has intervened in this case except that the Honorable Vonda Felton, appointed by the Court herein as guardian ad litem for interest any and all 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 proceeding, including the evidence submitted to the Court on behalf of the Plaintiffs.

9. That all of the allegation in the Complaint relating to defendants Cornelius, Smyer, the Board, and Walton 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 Plaintiffs after the exercise of diligence, and that all of the Defendants were represented in this proceeding by guardian ad litem except those that had filed answer and waivers or as to whom default judgment had been entered after proper service of process.

11. That the Plaintiff complied with all of the provisions of law relative to this proceeding in rem to establish title to land. It is, therefore,

**ORDERED, ADJUDGED AND DECREED** by the Court that the Plaintiffs are entitled to the relief prayed for in the complaint and that the fee simple title claimed by the Heirs in and to the above described lands has been duly proved, and that the Heirs are the owners of said lands and have a fee simple title thereto, free of all liens and encumbrances except as hereinabove referred to, and that their title thereto be and is hereby established, and that all doubts and disputes concerning same be and the same are hereby cleared up. It is further

**ORDERED, ADJUDGED AND DECREED** by the Court that a certified copy of this decree be recorded in the Office fo the Judge of Probate of Shelby County, Alabama, and that it be indexed in the named of the Heirs, in both the direct index and indirect index of the records thereof. It is further

**ORDERED, ADJUDGED and DECREED** by the Court that the Honorable Vonda Felton be and she is hereby awarded a fee of \$ 1080<sup>00</sup> for her services as guardian ad litem in this proceeding, to be taxed as part of the costs herein, to be paid by the Clerk of this Court to her on payment of such costs.

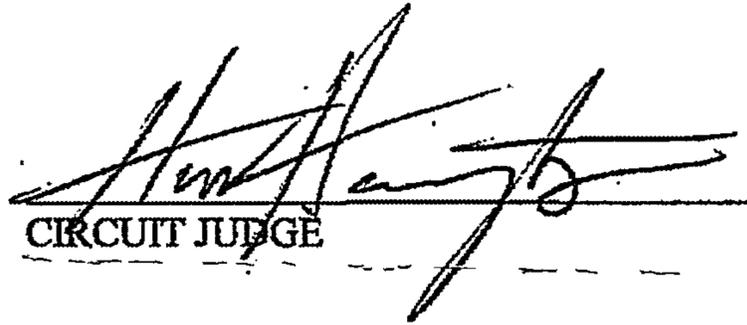




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The Court expressly directs entry of this judgment pursuant to A.R.Civ.P. Rule 54(b), as the Court has determined that there is no just reason for delay in the entry of a final judgment against all those Defendants not denominated as an Heir of Theodore G. Bolton.

DONE and ORDERED this <sup>9th</sup> day of ~~December~~ <sup>January</sup>, 2005

  
CIRCUIT JUDGE

*[Faint handwritten notes]*

