



AlaFile E-Notice

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05/09/2024 08:04:38 AM
ORDER 1/4

58-CV-2021-900378.00

Judge: LARA M ALVIS

To: BOTTCHER CHRISTOPHER ALLE
cbottcher@mcglinchey.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

OMAHA PROPERTY MANAGER, LLC V. OSCAR CARL SHANKS ET AL
58-CV-2021-900378.00

A court action was entered in the above case on 5/3/2024 4:21:07 PM

ORDER

[Filer:]

Disposition: GRANTED
Judge: LMA
Notice Date: 5/3/2024 4:21:07 PM

MARY HARRIS
CIRCUIT COURT CLERK
SHELBY COUNTY, ALABAMA
POST OFFICE BOX 1810
112 NORTH MAIN STREET
COLUMBIANA, AL, 35051

205-669-3760
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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

OMAHA PROPERTY MANAGER, LLC,)	
Plaintiff,)	
)	
V.)	Case No.: CV-2021-900378.00
)	
SHANKS OSCAR CARL,)	
SHANKS TAMMY F,)	
WILLIAMS BRENDA,)	
Defendants.)	

ORDER

This matter came before the Court on Omaha Property Manager, LLC’s (hereinafter “Omaha”), Planet Home Lending, LLC’s (hereinafter “PHL”), Wilmington Trust, N.A. solely as Trustee for MFRA Trust 2015-1’s, improperly designated as Wilmington Trust, N.A. (hereinafter “Wilmington”), and M&T Bank’s (hereinafter “M&T”), Motion for Final Summary Judgment.

1. Through counsel for Oscar and Tammy Shanks (hereinafter “Defendants/Counter-Plaintiffs”), the Court has learned that Defendants/Counter-Plaintiffs have died. Suggestions of death have been filed for both decedents;
2. Defendants/Counter-Plaintiffs have consented to the entry of a judgment in favor of Omaha Property Manager, LLC on its ejectment claim against them; and
3. Defendants/Counter-Plaintiffs agree to dismiss their counter-claims against Omaha Property Manager, LLC, with prejudice.

Therefore, the Court **ORDERS, ADJUDGES, and DECREES** as follows:

1. As a consequence of Defendants’/Counter-Plaintiffs’ death, this case shall be removed from this Court’s May 9, 2024 trial docket and will be re-set once a

personal representative has been substituted into the case;

2. Omaha Property Manager, LLC is hereby awarded a judgment for possession of the real property located at 9439 Brook Forest Circle, Helena, AL 35060-3456 (the "Subject Property");

3. All right, title, and interest in the Subject Property is vested solely in Omaha Property Manager, LLC;

4. Defendants'/Counter-Plaintiffs' heirs shall coordinate the removal of any of Defendants'/Counter-Plaintiffs' personal property from the Subject Property through counsel;

5. Defendants'/Counter-Plaintiffs shall remove all personal property from the Subject Property, during business hours, within fifteen (15) calendar days of this Order;

6. Any personal property remaining on the Subject Property after that time shall become the property of Omaha Property Manager, LLC to dispose of at its discretion;

7. All of Defendants'/Counter-Plaintiffs' counter-claims against Omaha Property Manager, LLC are hereby dismissed, with prejudice, and costs are to be taxed as paid;

8. Defendants'/Counter-Plaintiffs' claims against Planet Home Lending, LLC, Wilmington Trust, N.A. solely as Trustee for MFRA Trust 2015-1, and M&T Bank remain pending and are not affected by this Order; and

9. The remaining Counter-Defendants' Motion for Summary Judgment shall be re-set for hearing once Defendants'/Counter-Plaintiffs' personal representative has been substituted into the case.

DONE this 3rd day of May, 2024.

/s/ LARA M ALVIS
CIRCUIT JUDGE



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
05/09/2024 08:04:38 AM
\$31.00 PAYGE
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Allie S. Boyd