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LANADA BROWN and husband,)
PERCY BROWN,)

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

PLAINTIFFS)

CASE NO. CV 85-196

VS.)

SHERMAN HOLLAND,)

DEFENDANT)

FILED IN OFFICE THIS THE 30th DAY
OF January, 19 86

Kyle Sanford

Clerk of Circuit Court
Shelby County, Alabama

JUDGMENT

This cause coming on to be heard was submitted for final

Judgment upon the original Complaint filed by the plaintiff, Lanada Brown, the defendant's Answer, the Amendment to Complaint, the Answer to Amended Complaint, and the Amendment to Complaint allowed in open court adding Percy Brown, the husband of Lanada Brown, as a party plaintiff, and upon testimony heard ore tenus in open court, with documents introduced into evidence in connection with said testimony, and the Court having considered and understood the same, is of the opinion that the plaintiffs are entitled to the relief prayed for in their Complaint, as amended, without any payment due by the plaintiffs to the defendant, the Court finding from the evidence as follows:

1. That the plaintiffs, Lanada Brown and husband, Percy Brown, as joint tenants with right of survivorship, are, and were at the time of the filing of their Complaint in this cause, in the peaceable possession of the following described real estate, situated in Shelby County, Alabama, viz:

Lot 18, Block 4, Nabor's Addition to Wilton, 1/30/86

Certified a true and correct copy

Kyle Sanford
Clerk of Circuit Court

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W. & N. J.

Alabama, as shown by map or plat of said subdivision recorded in Map Book 3, at page 33, Office of Judge of Probate of Shelby County, Alabama.

2. That the plaintiffs own and hold the record title to said real estate through a deed from Evelyn Clay and husband, William Clay, and Braddy Odis Bishop, an unmarried man, to the plaintiff, Lanada Brown, which is dated August 16, 1968, and recorded in Deed Book 257, at page 243, Office of Judge of Probate of Shelby County, Alabama, the grantee and grantors of said deed having been the only children of Iola Bishop, deceased, who was the former owner of said property, said Lanada Brown having subsequently conveyed said property to herself, Lanada Brown and husband, Percy Brown, as joint tenants with right of survivorship, by deed dated April 10, 1985, and recorded in Deed Book 023 at page 594.

3. That any claim which the defendant has in and to said property was by virtue of a certain tax deed from the State Land Commissioner of Alabama which was not introduced into evidence but which appears to be recorded in Deed Book 357 at page 214 in said Probate Office, said tax deed having been based upon an alleged tax sale by the Tax Collector of Shelby County, Alabama which took place on June 6, 1966, for non-payment of 1965 ad valorem taxes, as shown by Tax Sale record 16 at page 208 in said Probate Office.

4. That the defendant has never been in possession of the property described above in paragraph No. 1, nor any part thereof.

5. That no action was pending at the time of the filing of the Complaint in this cause to enforce or test the validity of the title, claim, or encumbrance of said plaintiffs, or of said defendant, in and to said property.

6. That the defendant did, in fact, claim some title or interest in the said property at the time when said Complaint was filed in this cause, but that said defendant has failed to sustain his burden of proof in showing that the prerequisites required by the law to support said tax sale have been complied with and that said defendant failed to prove any valid title, claim, or interest in said property, or any encumbrance thereon, at the trial of this case.

7. That the defendant failed to show that the Tax Collector reported to the Court that he was unable to collect the taxes assessed against said property prior to said tax sale as required by 1975 Code of Alabama, 40-10-1, and its predecessor statute.

8. That the said tax sale of June 6, 1966, for the alleged non-payment of 1965 taxes, was cancelled and voided as being an erroneous sale pursuant to a certificate of the State Land Commissioner of Alabama of August 5, 1983, a copy of said certificate having been attached to and made a part of said Tax Sale Record 16 at page 208 in said Probate Office; that the defendant failed to sustain his burden of proof in showing that a subsequent attempted withdrawal or cancellation of such

cancellation which had been approved by the State Land Commissioner was valid, and that consequently, said certificate of the State Land Commissioner of Alabama of August 5, 1983, has not been withdrawn or cancelled.

9. That the defendant failed to sustain his burden of proof in showing that, prior to the purported sale of the said lands by the Alabama State Land Commissioner to the defendant, notice was given as required by 1975 Code of Alabama, 40-10-133 informing the plaintiffs that the defendant had made application to purchase said lands and fixing a reasonable time within which said plaintiffs could redeem the same.

It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court as follows:

A. That the plaintiffs, Lanada Brown and husband, Percy Brown, as joint tenants with right of survivorship, own and hold a fee simple title in and to the following described real estate, situated in Shelby County, Alabama, viz:

Lot 18, Block 4, Nabor's Addition to Wilton,
Alabama, as shown by map or plat of said sub-
division recorded in Map Book 3, at page 33,
Office of Judge of Probate of Shelby County,
Alabama,

and that the defendant has no right, title, or interest therein, or encumbrance upon said property, or any part thereof, and that the defendant be, and he is hereby perpetually enjoined and restrained from interfering in anywise with the plaintiffs's title to, or possession of said lands, and further, that

defendant's alleged tax deed which is recorded in Deed Book 357 at page 214 in said Probate Office be, and the same is hereby, cancelled, annulled, vacated, and held for naught.

B. That the Register of this Court is ordered and directed to file for recording in the office of the Judge of Probate of Shelby County, Alabama, a certified copy of this Judgment.

C. That costs of court in this cause accrued be, and the same are hereby, taxed against the defendant, for which execution may issue.

Done and ordered this 30 day of January____, 1986

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CIRCUIT JUDGE

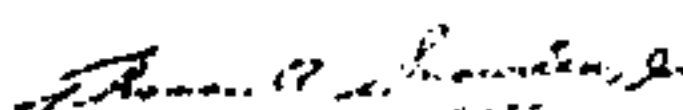
CERTIFICATE

I, Kyle Lansford, Register of the Circuit Court of Shelby County, Alabama, do hereby certify that the foregoing is a correct copy of the Judgment rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office, and the cost has been paid. Witness my hand and seal this ____ day of _____, 1986.

Register, Circuit Court

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1986 JAN 30 AM 10:30


JUDGE OF PROBATE

RECORDING FEES
Recording Fee \$ 12.50
Index Fee 1.00
TOTAL \$ 13.50