

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

LAURA WATTS,
PLAINTIFF

vs.

CASE NO. CV-07-247

AMIR ASHTARANI a/k/a AL
ASHTARANI, METROPOLITAN HOMES,
INC., BROOKLAND HOMES, INC.,
NEW SOUTH FEDERAL SAVINGS
SAVINGS BANK, TRINITY UNIVERSAL
INSURANCE COMPANY, AND ALL UNKNOWN
PARTIES A, B & C, AND THE
FOLLOWING DESCRIBED PROPERTY, TO-WIT:
LOT 68, ACCORDING TO THE SURVEY
OF WYNLAKE SUBDIVISION, PHASE III,
AS RECORDED IN MAP BOOK 21, PAGE 84,
IN THE PROBATE OFFICE OF
SHELBY COUNTY, ALABAMA.
SITUATED IN SHELBY COUNTY, ALABAMA,
DEFENDANTS

RECEIVED AND FILED
MARY H. HARRIS
APR 16 2008
CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.

O R D E R

1. Plaintiff, LAURA WATTS, is an individual, whose permanent mailing address is 352 Dogwood Trail, Alabaster, Alabama 35007. Plaintiff files its verified complaint in personam and in rem under the provisions of Title 6-6-560, Code of Alabama, 1975, as amended, et seq. against the persons herein made Defendants and the lands herein described.

2. Defendant, AMIR H. ASHTARANI a/k/a AL ASHTARANI, is an individual, whose last known mailing address is P.O. Box 2001, Alabaster, Alabama 35007, and/or 3215 Mountain Ridge Circle, Birmingham, Alabama 35242, but whose current address is unknown. Said defendant was served by publication, but failed to file an answer.

3. Defendant, METROPOLITAN HOMES, INC., is a corporation, whose last known mailing address is Riverchase Office Plaza 3,

Suite 112, Birmingham, Alabama 35244 and whose registered agent at such address is Amir Ashtarani, but whose current address is unknown. Said defendant was served by publication, but failed to file an answer..

4. Defendant, BROOKLAND HOMES, INC., is a corporation, whose last known mailing address is P.O. Box 36212, Birmingham, Alabama 35236, whose registered agent is Al Ashtarani, 3215 Mountain Ridge Circle, Birmingham, Alabama 35242, but whose current address is unknown. Said defendant was served by publication, but failed to file an answer.

5. Defendant, NEW SOUTH FEDERAL SAVINGS BANK, is a federally chartered savings bank, whose address is 210 Automation Way, Birmingham, AL 35210. Said Defendant was dismissed by Order of Voluntary Dismissal dated June 7, 2007.

6. Defendant, TRINITY UNIVERSAL INSURANCE COMPANY, is a company, whose last known mailing address was c/o Thomas Selden, Attorney at Law, P.O. Box 598512, Birmingham, Alabama 35259-8512. Said Defendant filed an Answer on or about the 7th day of August, 2008.

7. Daniel Crowson was appointed as Guardian ad litem in this matter, and has reviewed the filings and other documents in this case.

8. Testimony in the above styled case was taken Ore Tenus on March 4, 2008. At issue was the establishment of the title of Plaintiff. Upon consideration of the documentary evidence and the testimony considered, it is the conclusion and order of this court that the Plaintiff, Laura Watts, is the owner of the above

described in fee simple, proving superior title to any and all above named defendants. The above considered, title is hereby quieted in Laura Watts, individual, and all other claims and interests are hereby terminated in and to the following described property, to-wit:

Lot 68, according to the survey of Wynlake Subdivision, Phase III, as recorded in Map Book 21, Page 84, in the Probate Office of Shelby County, Alabama.

SUBJECT ONLY TO THE FOLLOWING:

9. The Tax Deed vesting title in the Plaintiff, Laura Watts, is recorded in Instrument #Instrument #20030729100035430, in the Probate Office of Shelby County, Alabama. There exists a judgment in favor of Trinity Universal Insurance Company and against the Defendant, Al Ashtarani, as recorded in Instrument #1999-35983, in said Probate Office, which pre-dates the Tax Deed to the Plaintiff, Laura Watts. Title is quieted subject only to the right of redemption as set forth in Code of Alabama (1975), Section 40-10-120, and Section 40-10-143. Section 40-1-3 establishes that a tax lien is superior to all other liens, and that such tax lien may be enforced and foreclosed by Sale for Taxes as provided in said statute. Section 40-10-120 establishes that property may be redeemed "by any person having an interest therein . . . including a judgment creditor, or other creditor having a lien thereon. The above considered, the judgment creditor, Trinity Universal Insurance Company, has only a right of redemption as prescribed in Section 40-10-120. Said redemption would have to be completed according to Statutes 40-10-120, et. seq.

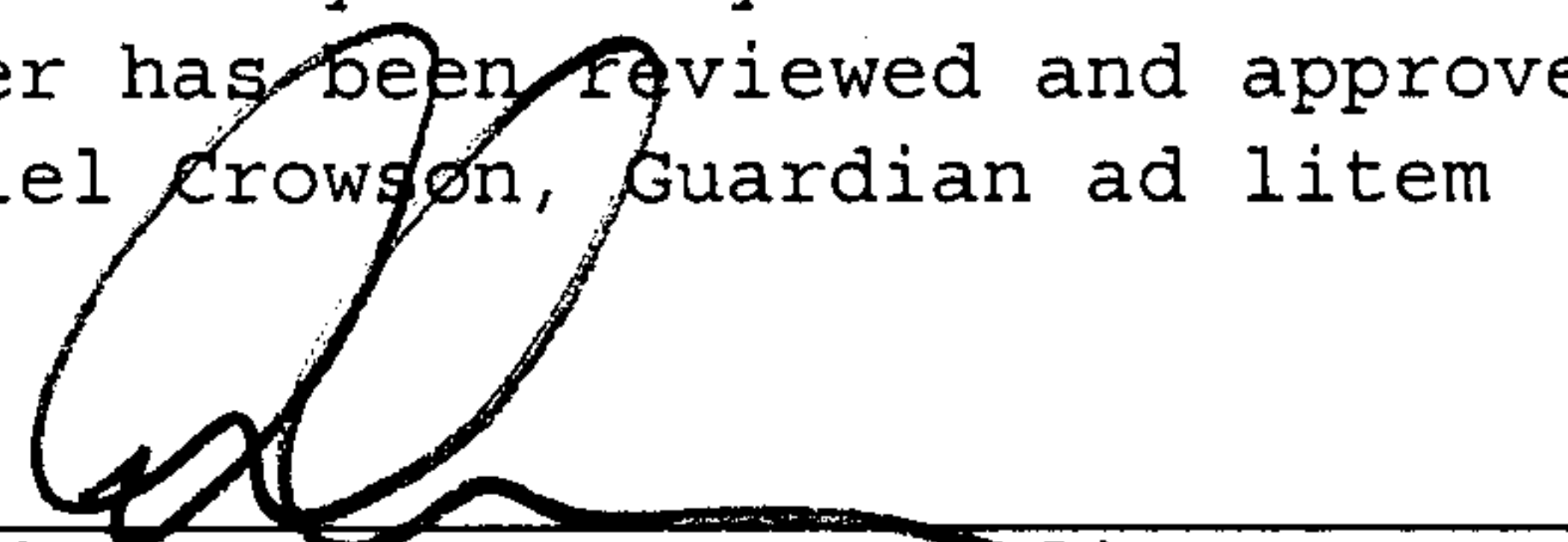
10. Defendant shall be responsible for expenses and fees incurred by their attorney, Thomas Selden.

11. Daniel Crowson is awarded a fee of \$500.00 for serving as Guardian Ad Litem in this proceeding.

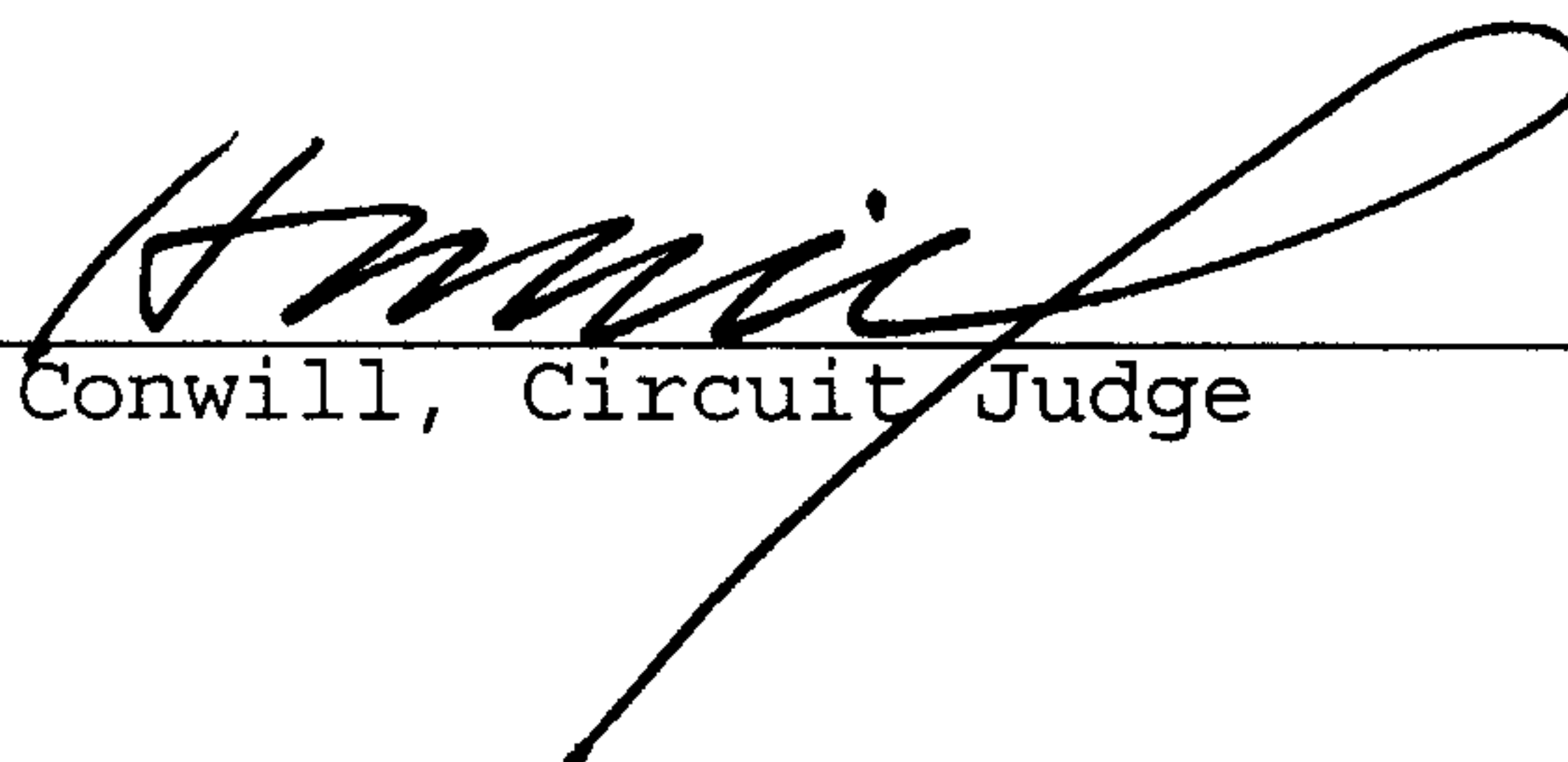
12. Costs of Court are taxed to the Plaintiff.

20080520000206320 4/4 \$24.00
Shelby Cnty Judge of Probate, AL
05/20/2008 02:13:10PM FILED/CERT

I do hereby certify that the above
Order has been reviewed and approved by
Daniel Crowson, Guardian ad litem


Daniel Crowson, Guardian at Litem

Done this the 14th day of April, 2008.


H.L. Conwill, Circuit Judge