



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA



20111024000315330 1/2 \$16.00
Shelby Cnty Judge of Probate, AL
10/24/2011 09:24:48 AM FILED/CERT

MONYSTED CAPITAL CORP,)	
Plaintiff,)	
)	
V.)	Case No.: CV-2010-000792.00
)	
SABRI JULIAN,)	
SABRI SAHAR,)	
MORTGAGE CORPORATION OF THE)	
SOUTH,)	
A PARCEL OF LAND LOT 8 ET AL.,)	
Defendants.)	

ORDER

This matter came before this court for trial on September 7, 2011. The court heard the arguments of counsel for Plaintiff and arguments of the guardian ad litem for the unknown claimants. There were no other named defendants or interested parties present at trial even though the proper notice had been given either through personal service and/or service by publication in the Shelby County Reporter, a newspaper of general circulation in Shelby County. Publication and notification of the pendency of this action appeared on December 1, 2010, December 8, 2010, December 15, 2010 and December 22, 2010 in the Shelby County Reporter and called upon all defendants to plead, answer or otherwise defend on or before January 21, 2011. More than sixty days have elapsed from the date of the first publication of said notice and the filing of a certified copy thereof.

The guardian ad litem has filed an answer and denial and actively participated in the taking of testimony in this action and the court finding that the complaint filed in this action complies in all respects with the requirements of Alabama Code §6-6-560 and -561. The court has further determined that Plaintiff, Monysted Capital Corp. obtained title to the Lot 8 according to the Survey of Mountain Ridge Estates, First Sector, as recorded in Map Book 7, Page 100 A and B, in the Probate Office of Shelby County, Alabama hereinafter "Subject Property" by virtue of a Tax Deed from the Judge of Probate of Shelby County dated November 18, 2005 and recorded in Instrument #20051123000610250 in the Office of the Judge of Probate of Shelby County, Alabama. *See Plaintiff's Exhibit 9.* Prior to the tax deed, the Subject Property had been owned by Julian and Sahar Sabri who encumbered the Subject Property with a mortgage to Ameriquest. *See Plaintiff's Exhibit 2.* The residence that was constructed on the Subject Property by the Sabris had catastrophic construction failures and fell in to disrepair and was declared a nuisance and demolished and removed by Shelby County. *See allegations contained in Plaintiff's Exhibit 6, a copy of the entire case file of CV-2006-239.* Subsequently, Ameriquest filed a release of mortgage on the Subject Property. *See Plaintiff's Exhibit 3.* Since the tax deed in 2005, all ad valorem taxes on the Subject Property have been paid by Plaintiff and Plaintiff has been in sole possession of the Subject Property. Therefore, it is the opinion of this court that the Plaintiff is entitled to the *in rem* relief prayed for in the complaint.



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Accordingly, it is ordered, adjudged and decreed:

1. The right, title, interest and ownership of the Plaintiff, Monysted Capital Corp. in and to the property is hereby established and forever quieted *in rem* and against the property which is more particularly described as:

Lot 8, according to the Survey of Mountain Ridge Estates, First Sector, as recorded in Map Book 7, Page 100 A and B, in the Probate Office of Shelby County, Alabama.

2. The clerk of this court shall certify copies of this judgment and record the same in the Office of the Judge of Probate of Shelby County, Alabama, and the same shall be indexed in the same books and in the same manner in which deeds are recorded and said judgment shall be indexed in the name of defendants against whom this relief is granted in the direct index and in the name of the plaintiff, Monysted Capital Corp., in the reverse index.
3. The guardian ad litem, Vicki N. Smith, is awarded the sum of Six Hundred Dollars (\$600.00) as a fee for services rendered in this action.
4. Costs of this action are taxed as paid.

DONE this 20th day of October, 2011.

/s/ WILLIAM H. BOSTICK, III
CIRCUIT JUDGE

Certified a true and correct copy
Date: 10/24/11

Mary H. Harris

Mary H. Harris, Circuit Clerk
Shelby County, Alabama