



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

EQUIVEST FINANCIAL, LLC,

Plaintiff,

v.

KATHERINE WASHINGTON; RONNIE
WASHINGTON; and WAYNE HORTON,

Defendants.

CIVIL ACTION NO. :
58-CV-2010-901027.00

FINAL ORDER

This matter came before the Court on September 26, 2011 upon the Motion for Summary Judgment filed by Equivest Financial, LLC ("Plaintiff") against Katherine Washington and Ronnie Washington (together, the "Washingtons"), seeking an order for possession and ejectment, or, alternatively for quiet title, with respect to the real property identified in the complaint. Appearing at the hearing were William S. Hereford, counsel for the plaintiff, and Gregory Graham, counsel for the Washingtons. Having considered the pleadings of record and the applicable law, the Court hereby **FINDS and HOLDS** as follows:

1. Plaintiff filed its complaint for Declaratory Relief, Ejectment, and Quiet Title with respect to the following described land:

Shelby County Parcel No.: 58/29/01/01/0/000/020.006

Legal Description: BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 1 WEST; THENCE RUN NORTH ALONG THE EAST LINE OF THIS SAID SECTION, A DISTANCE OF 160 FEET TO A STARTING POINT; THENCE CONTINUE ALONG THIS EAST LINE OF SAID SECTION, A DISTANCE OF 80 FEET; THENCE TURN LEFT AND PARALLEL TO THE SOUTH LINE OF SAID SECTION AND RUN A DISTANCE OF 269.677 FEET; THENCE SOUTH FOR A DISTANCE OF 80 FEET; THENCE EAST ALONG THE NORTH LINE OF THE

PLOT OF LAND CONVEYED TO CHRIS WASHINGTON
AND WIFE, LUCY WASHINGTON, A DISTANCE OF 269.57
FEET TO THE POINT OF BEGINNING. SITUATED IN
SHELBY COUNTY, ALABAMA

(herein, the "Property").

2. That at the time of the 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.

3. Equifunding, Inc. ("Equifunding") purchased the Property on May 8, 2006 from the Property Tax Commissioner of Shelby County at the annual ad valorem tax sale. On July 28, 2009, the Shelby County Probate Court issued to Equifunding a tax deed to the Property. Equifunding subsequently assigned its interest in the Property to Plaintiff.

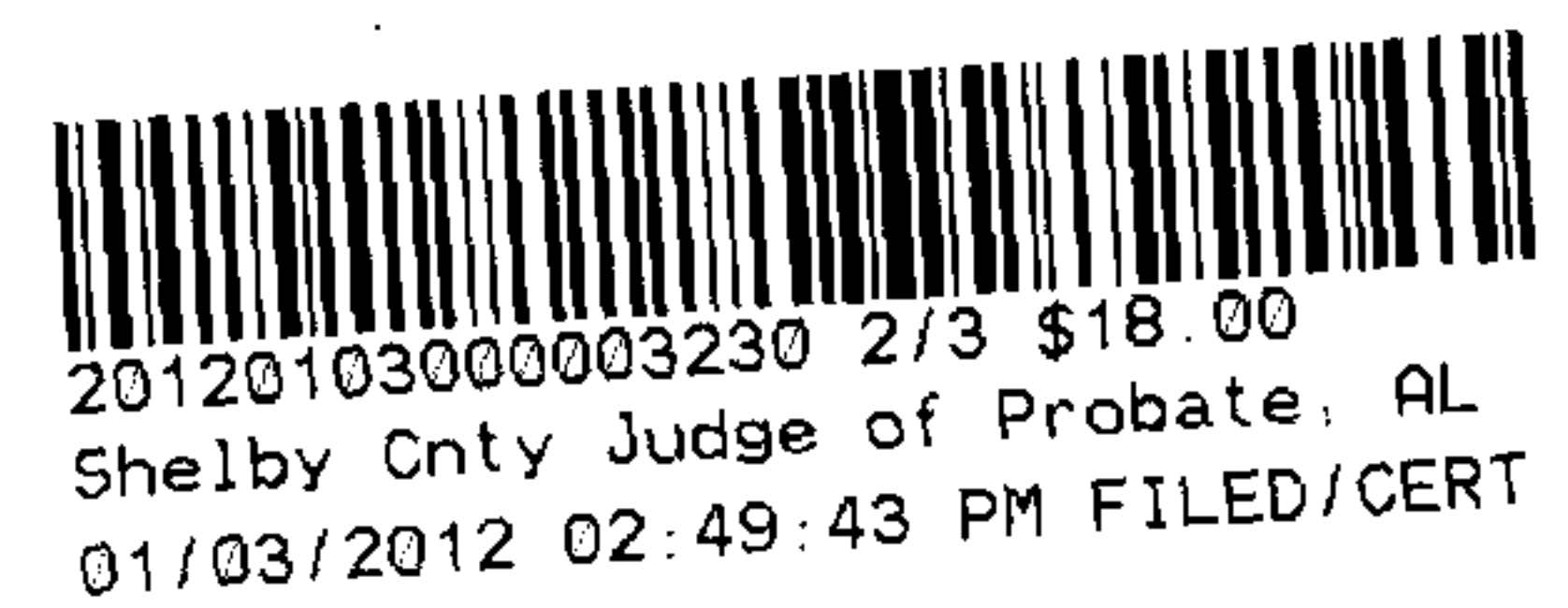
4. Pursuant to Alabama Code § 40-10-74, Plaintiff is entitled to possession of the Property.

5. Plaintiff holds title to the Property based on it being the holder of the tax deed issued to Equifunding on July 28, 2009.

6. Although the Washingtons have a right to redeem the Property from the tax sale pursuant to Alabama Code §§ 40-10-82 and 83, the Washingtons have not asserted their right to redeem in these proceedings.

Based on the foregoing, it is therefore **ORDERED, ADJUDGED AND DECREED** by the Court as follows:

- (a) Plaintiff's Motion for Summary Judgment is **GRANTED** as to its claims for possession and ejectment;
- (b) Plaintiff has legal title to the Property and any title or interest claimed by the Washingtons in the Property, including any right of redemption, is eliminated by this Order;

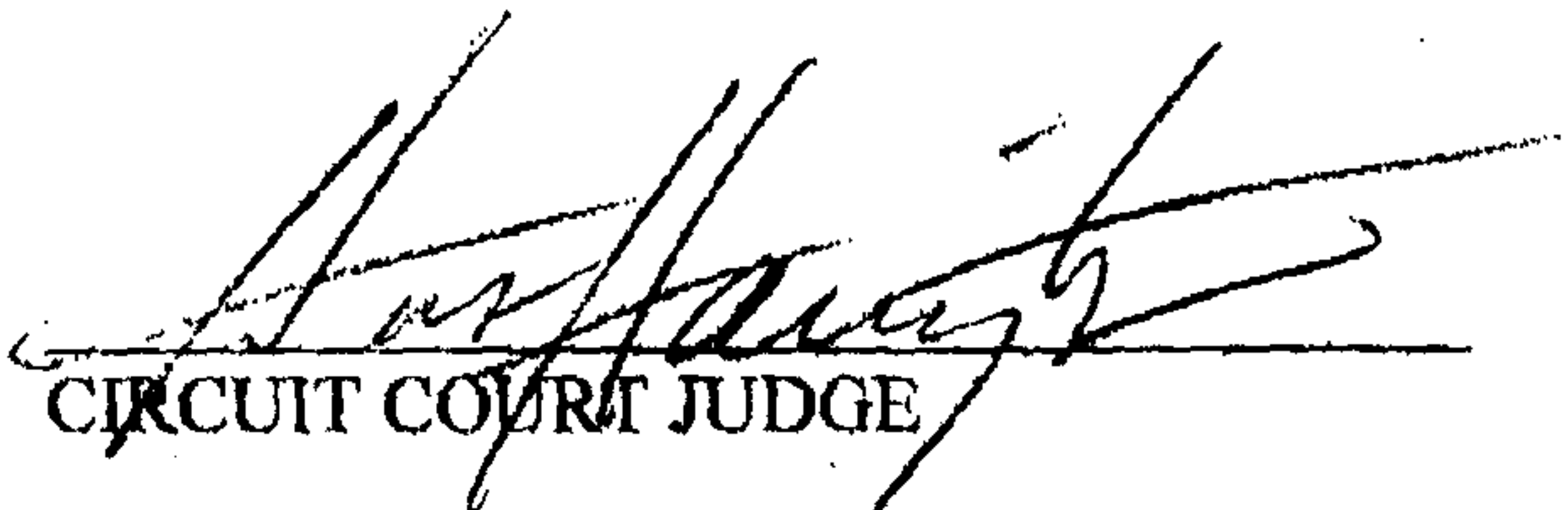


(c) Plaintiff shall recover from the Washingtons exclusive possession of the Property;

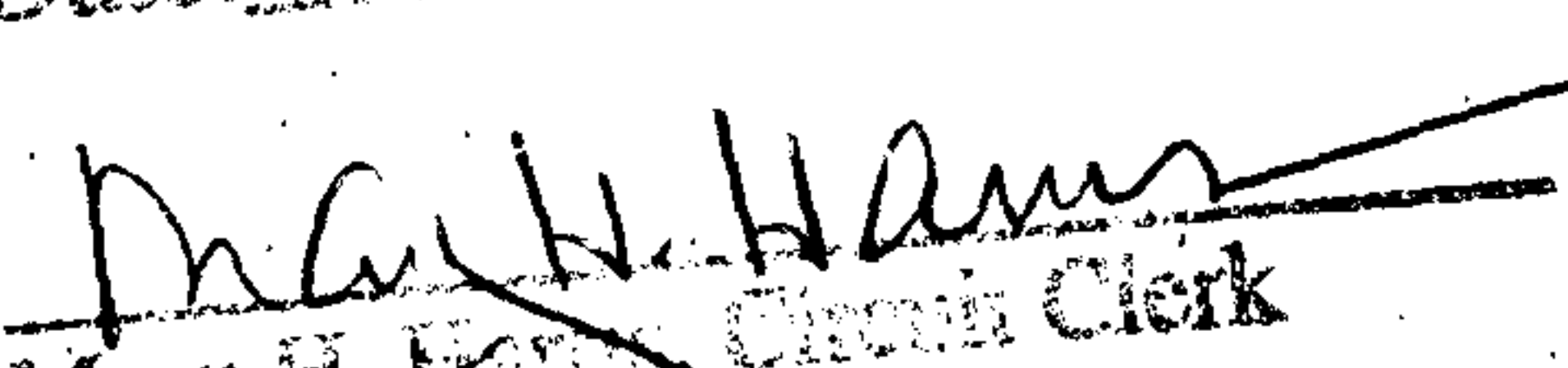
(d) Pursuant to A.R.Civ.P. 54(b), this Order is **FINAL** on the basis that there is no just reason for delay and this Order resolves all issues raised in this lawsuit;

(e) The costs of these proceedings are to be taxed as paid.

DATED this the 3RD day of November 2011.


CIRCUIT COURT JUDGE

Certified a true and correct copy
Date: 12-6-11


Mary H. Harris, Circuit Clerk
Shelby County, Alabama



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Shelby Cnty Judge of Probate, AL
01/03/2012 02:49:43 PM FILED/CERT

